



November 12, 1981

Low and Moderate Income Housing and the Condominium\*

The Subdivision Code in Section 1385 states the following: "The City Planning Commission shall determine whether any units to be converted are part of the City's low or moderate income housing stock. If the Commission determines that any unit to be converted is part of the City's low or moderate income housing stock, then the price of the unit upon conversion shall not be such as to remove it effectively from said low or moderate income housing stock..."

The Subdivision Code in Sections 1308(1) and (m) defines low and moderate income housing stock as rental units for which the rent does not exceed 25 percent of the gross monthly income of low and moderate income households, respectively. Those Sections establish a relationship that a studio can accommodate a one-person household, a one-bedroom unit can accommodate a two-person household, a two-bedroom unit can accommodate a three-person household, and so forth. Section 1385 states that the price upon conversion of low and moderate income units shall not exceed two and one-half times the highest income level for low and moderate income households, respectively.

In Sections 1309(e) and (f), the Code defines low income as not exceeding 80%, and moderate income as ranging from 80% to 120% of the median household income for the San Francisco Standard Metropolitan Statistical Area (SMSA), such median household income as determined by the U. S. Department of Housing and Urban Development (HUD). Low and moderate income levels for households of different size are determined by HUD's most recently issued income figures for the San Francisco SMSA, i.e., the income limits for Section 235 housing issued on September 1, 1981.

The table below indicates household incomes, equivalent dwelling unit types, the maximum levels of rents for the low and moderate income housing stocks of the City, and corresponding levels of purchase prices that would not remove units from that housing stock.

If a condominium conversion is found to involve low or moderate income housing stock, the City Planning Commission or Department will establish, as a condition of conversion, the maximum sales price for which the condominium might be sold. A history of rental increases that appears designed to bring a unit's rent above the moderate income rental ceiling will receive close scrutiny, and may lead to a finding that the subdivision is not consistent with the Master Plan.

LOW AND MODERATE INCOME RENTAL THRESHOLDS  
AND MAXIMUM SALES PRICES

	Household Size	Type of Dwelling Unit	HUD-Defined Median Income	Rental Threshold*	Maximum Sales Price**
LOW INCOME	1	Studio	\$17,095	\$356	\$42,738
	2	1-Bedroom	\$19,537	\$407	\$48,842
	3	2-Bedroom	\$21,979	\$458	\$54,948
	4	3-Bedroom	\$24,421	\$509	\$61,052
	5	4-Bedroom	\$25,937	\$540	\$64,843
	6	4-Bedroom	\$27,495	\$573	\$68,738
	7	5-Bedroom	\$29,011	\$604	\$72,528
	8+	5/+ Bedroom	\$30,526	\$636	\$76,316
MODERATE INCOME	1	Studio	\$25,642	\$534	\$64,105
	2	1-Bedroom	\$29,305	\$611	\$73,263
	3	2-Bedroom	\$32,968	\$689	\$82,421
	4	3-Bedroom	\$36,632	\$763	\$91,580
	5	4-Bedroom	\$38,905	\$811	\$97,263
	6	4-Bedroom	\$41,242	\$859	\$103,105
	7	5-Bedroom	\$43,516	\$907	\$108,790
	8+	5/+ Bedroom	\$45,789	\$954	\$114,473

\* Established by the Subdivision Code at 25% of HUD-defined income, taken monthly.

\*\* Established by the Subdivision Code at 2.5 times HUD-defined annual income, may be adjusted from September 1, 1981 to actual sales date by the percentage increase in the Housing Component of Consumer Price Index for San Francisco-Oakland area.



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As amended in Board ~~3-17-75~~  
ORDINANCE NO. 163-75

FILE NO. 589-74-1

1 ENACTING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE,  
2 TO BE KNOWN AS THE SUBDIVISION CODE OF THE CITY AND COUNTY OF SAN FRAN-  
3 CISCO, ESTABLISHING PROCEDURES AND REQUIREMENTS FOR THE CONTROL AND  
4 APPROVAL OF SUBDIVISIONS IN ACCORDANCE WITH THE STATE SUBDIVISION MAP  
5 ACT, INCLUDING PROCEDURES AND REQUIREMENTS FOR CREATION OF CONDOMINIUMS,  
6 COMMUNITY APARTMENTS, STOCK COOPERATIVES AND CONVERSIONS; AND REPEALING  
7 CERTAIN PROVISIONS OF THE ADMINISTRATIVE CODE AND THE PUBLIC WORKS  
8 CODE RELATING TO SUBDIVISIONS.

9  
10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The provisions of this ordinance shall be included  
12 in and designated as Chapter XIII, Part II, of the San Francisco  
13 Municipal Code and shall be known and referred to as "THE SUBDIVISION  
14 CODE".

15 Section 2. Chapter 26 (Sections 26.1 through and including 26.5)  
16 of the San Francisco Administrative Code and Sections 735, 736 and 737  
17 of Part II, Chapter X of the San Francisco Municipal Code (Public Works  
18 Code) are hereby repealed.

19 Section 3. Chapter XIII is hereby added to Part II of the  
20 San Francisco Municipal Code, reading as follows:

21 ARTICLE 1  
22 GENERAL PROVISIONS

23 SEC. 1300. Title. This Chapter shall be known as the "Sub-  
24 division Code of the City and County of San Francisco".

25 SEC. 1301. Authority and Mandate.

26 (a) This Code is adopted pursuant to the Subdivision Map Act of  
27 California, Title 7, Division 2 of the Government Code, commencing  
28 with Section 66410 (hereinafter referred to as SMA).

29 (b) Any amendments to SMA, adopted subsequent to the effective  
30 date of this Code, shall not invalidate any provisions of this Code.

1 Any amendments to SMA that may be inconsistent with this Code shall  
2 govern.

3 (c) This Code shall govern in relation to all other ordinances  
4 of the City and County of San Francisco and rules and regulations  
5 pursuant thereto. In the event of any inconsistency or conflict  
6 between the provisions of this Code and other provisions of the  
7 Municipal Code, the most restrictive shall prevail.

8 SEC. 1302. Purposes.

9 (a) This Code is enacted to establish procedures and require-  
10 ments for the control and approval of subdivision development within  
11 the City and County of San Francisco in accordance with SMA.

12 (b) This Code is enacted to encourage and ensure the develop-  
13 ment of subdivisions consistent with the objectives of the San Fran-  
14 cisco Master Plan, particularly the following:

- 15 1. Improve the choice, quality, and number of housing units,  
16 especially for low and moderate income families;  
17 2. Promote the residential stability and diversity of the  
18 community by encouraging neighborhood maintenance,  
19 preventing major displacements of people, and facilitating  
20 inhabitant ownership <sup>of</sup> residential units, while at the  
21 same time recognizing the need for adequate rental housing  
22 in the high density urban setting.

23 (c) Recognizing that, by their unique character and requirements,  
24 Conversions specifically differ from other subdivisions and apartments,  
25 it is hereby found that the implementation of subsections (a) and (b)  
26 of this Section requires the adoption of special requirements for  
27 Conversions.

28 SEC. 1303. Scope.

29 (a) This Code supplements SMA, prescribing rules, regulations  
30 and procedures authorized therein.



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(b) The necessity for Tentative Maps, Final Maps and Parcel Maps shall be governed by this Section and SMA.

(c) For subdivisions creating five (5) or more parcels or units, a Tentative Map and a Final Map or Parcel Map shall be required pursuant to this Code and SMA.

1. A Tentative Map and a Final Map shall be required for all such subdivisions except those coming within the exceptions set forth in Section 66426 of SMA.

2. A Tentative Map and a Parcel Map shall be required for all such subdivisions coming within the exceptions set forth in Section 66426 of SMA.

(d) For subdivisions creating fewer than five (5) parcels or units, no Tentative Map shall be required, but a Parcel Map containing the information specified by Section 1359 of this Code and SMA shall be required. Said Parcel Map shall be filed with the City Engineer and recorded according to the procedure set forth in Sections 1360 through 1364 of this Code.

(e) No Tentative Map, Final Map or Parcel Map shall be required for those specific types of subdivisions exempted by Sections 66412 and 66428 of SMA.

SEC. 1304. Enforcement.

(a) It is unlawful for any person, firm, corporation, partnership or association to offer to sell or lease, contract to sell or lease, or sell or lease any subdivision or any part thereof until a Final Map or a Parcel Map thereof, in full compliance with the provisions of this Code and SMA, has been duly recorded in the office of the Recorder.

(b) All departments, officials and public employees of the City, vested with the duty or authority to approve or issue permits, shall conform to the provisions of this Code and shall neither approve nor

issue any permit or license for use, construction, or purpose in conflict with the provisions of this Code. Any such permit or license issued in conflict with the provisions of this Code shall be null and void.

(c) Any subdivider, agent of a subdivider, successor in interest of a subdivider, tenant, purchaser, builder, contractor or other person who violates any of the provisions of this Code or any conditions imposed pursuant to this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500) or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(d) The Director of Public Works shall have the authority to enforce this Code against violations thereof by any of the following actions:

1. The Director may serve notice requiring the cessation or correction of any action in violation of this Code upon the subdivider, agent of the subdivider, successor in interest of the subdivider, tenant, purchaser, builder, contractor or other person who commits or assists in such violation;
2. The Director may call upon the City Attorney to maintain an action for injunction to restrain or abatement to cause the correction of any such violation; and
3. The Director may call upon the District Attorney to institute criminal proceedings in enforcement of this Code against any such violation.





SEC. 1305. Severability.

(a) If any Article, Section, subsection, paragraph, sentence, clause or phrase of this Code, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions of this Code or any part thereof. The Board of Supervisors hereby declares that it would have passed each Article, Section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more Articles, Sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

(b) If the application of any provision or provisions of this Code to any person, property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person, property or circumstances immediately involved in the controversy, and the application of any such provision to other persons, properties and circumstances shall not be affected.

(c) This Section shall apply to this Code as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

ARTICLE 2  
DEFINITIONS

SEC. 1306. General. Officials and agencies referred to in this Code and in SMA are officials and agencies of the City and County of San Francisco, unless the contrary is either stated or implied.

SEC. 1307. Government Agencies.

(a) "Advisory Agency" and "Director" mean the Director of Public

Works.

(b) "Bureau of Building Inspection" and "BEI" mean the Bureau of Building Inspection of the Department of Public Works.

(c) "Bureau of Engineering" means the Bureau of Engineering of the Department of Public Works.

(d) "City Planning" means the Department of City Planning.

(e) "Clerk" means the Clerk of the Board.

(f) "County", "City", "City and County", "Municipality" and "Local Agency" mean the City and County of San Francisco.

(g) "County Surveyor", "County Engineer" and "City Engineer" mean the City Engineer and his staff.

(h) "Governing Body", "Legislative Body" and "Board" mean the Board of Supervisors.

SEC. 1308. Subdivisions.

(a) "Common areas" shall mean an entire project excepting all units therein granted or reserved.

(b) "Community Apartment" shall mean an estate in real property consisting of an undivided interest in common in a parcel of real property and the improvements thereon coupled with the right of exclusive occupancy of any apartment located therein.

(c) "Condominium" shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential, industrial, or commercial building on such real property, such as an apartment, office, or store. A Condominium may include in addition a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as a leasehold or subleasehold. This definition is intended to conform to





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1 Section 783 of the California Civil Code and any other section of  
2 California law.

3 (d) "Conversion" shall mean a proposed change in the type of  
4 ownership of a parcel or parcels of land, together with the existing  
5 attached structures, to that defined as a Condominium project,  
6 Community Apartment project or Stock Cooperative, regardless of the  
7 present or prior use of such land and structures and of whether sub-  
8 stantial improvements have been made to such structures.

9 (e) "Project" shall mean the entire parcel of real property  
10 divided or to be divided in any of the methods defined as a subdivi-  
11 sion.

12 (f) "Stock Cooperative" shall mean a corporation formed or  
13 availed of primarily for the purpose of holding title to, either in  
14 fee simple or for a term of years, improved real property, if all  
15 or substantially all of the shareholders of such corporation receive  
16 a right of exclusive occupancy in a portion of the real property,  
17 title to which is held by the corporation, which right of occupancy  
18 is transferable only concurrently with the transfer of the share or  
19 shares of stock in the corporation held by the person having such  
20 right of occupancy.

21 (g) "Subdivider" shall mean a person, firm, corporation,  
22 partnership or association who proposes to divide, divides or causes  
23 to be divided real property into a subdivision for himself or for  
24 others. City agencies, including the San Francisco Redevelopment  
25 Agency, are exempted from this definition.

26 (h) "Subdivision" shall mean the division of any improved or  
27 unimproved land, shown on the latest equalized county assessment roll  
28 as a unit or as contiguous units, for the purpose of sale, lease or  
29 financing, whether immediate or future. Property shall be considered  
30

1 as contiguous units even if it is separated by roads, streets,  
2 utility easements or railroad rights-of-way. This definition shall  
3 specifically but not exclusively include Condominiums, Community  
4 Apartments, Stock Cooperatives and Conversions.

5 (i) "Unit" shall mean the elements of a project which are to  
6 be owned individually and not in common with the owners of other  
7 elements of the project.

8 SEC. 1309. Terminology.

9 (a) "Affirmative Action in Housing" shall mean informational  
10 and promotional activity for the purpose of eliminating discrimina-  
11 tion in housing accommodations because of race, religion, national  
12 origin, sex, or any other basis prohibited by law.

13 (b) "Application Packet" shall mean the Tentative Map together  
14 with all documents, statements and other matters that are required  
15 as attachments thereto.

16 (c) "Final Map" shall mean a map prepared in accordance with  
17 Chapter 2, Article 2 of SMA and this Code, which map is designed to  
18 be placed on record in the office of the Recorder.

19 (d) "Improvement Plan" shall mean an engineering plan or a set  
20 of engineering plans showing the location and construction details  
21 of improvements.

22 (e) "Low income" shall mean the income of households, as defined  
23 by concept 79.1 of the 1970 U.S. Census "User's Guide", whose immediate  
24 household income does not exceed eighty percent (80%) of the median  
25 household income for the San Francisco Standard Metropolitan Statisti-  
26 cal Area as determined by the U.S. Department of Housing and Urban  
27 Development and adjusted according to the determination of that Depart-  
28 ment pursuant to the Housing and Community Development Act of 1974.

29 (f) "Moderate income" shall mean the income of households, as de-  
30 fined by concept 79.1 of the 1970 U.S. Census "User's Guide", whose  
immediate household income is greater than eighty percent (80%) but does





1 not exceed one hundred twenty percent (120%) of the median household  
2 income for the San Francisco Standard Metropolitan Statistical Area  
3 as determined by the U.S. Department of Housing and Urban Development  
4 and adjusted according to the determinations of that Department pur-  
5 suant to the Housing and Community Development Act of 1974.

6 (g) "Parcel Map" shall mean a map prepared in accordance with  
7 Chapter 2, Article 3 of SNA and this Code, which map is designed to  
8 be placed on record in the office of the Recorder.

9 (h) "Soil Engineer" shall mean a registered civil engineer,  
10 experienced in engineering geology, responsible for the soil engineer-  
11 ing work outlined in this Code, including supervision, analysis and  
12 interpretation of field investigation and laboratory tests for a  
13 specific project; preparation of geological and soil engineering  
14 recommendations and specifications; and supervision of grading con-  
15 struction work.

16 (i) "Standard Specifications" shall mean the Standard Specifica-  
17 tions of the Bureau of Engineering.

18 (j) "Subdivision Regulations" shall mean the detailed technical  
19 and administrative requirements adopted by the Advisory Agency to  
20 supplement this Code, including amendments thereto.

21 (k) "Tentative Map" shall mean a map made for the purpose of  
22 showing the design of a proposed subdivision and the existing condi-  
23 tions in and around it; such a map need not be based upon an accurate  
24 or detailed final survey of the property.

### ARTICLE 3 GENERAL PROCEDURAL PROVISIONS

#### SEC. 1310. Advisory Agency.

25 (a) The Director of Public Works is hereby continued as the  
26 Advisory Agency.

1 (b) All maps, plans and reports required by this Code shall be  
2 filed with the City Engineer.

#### SEC. 1311. Subdivision Regulations.

3 (a) The City Engineer, with the assistance of other City agencies,  
4 shall prepare and publish the Subdivision Regulations, including amend-  
5 ments thereto, needed to supplement this Code.

6 (b) Such Regulations, including amendments thereto, shall be  
7 adopted by the Director after holding a Public Hearing. The decision  
8 of the Director in adopting the Subdivision Regulations, including  
9 amendments thereto, shall be final.

#### SEC. 1312. Exceptions.

10 (a) Upon application by the subdivider, the Director may author-  
11 ize exceptions to any of the substantive requirements set forth in  
12 this Code and in the Subdivision Regulations.

13 (b) Before granting any such exception in whole or in part, the  
14 Director shall hold a Public Hearing on the requested exception.  
15 Furthermore, he must find:

- 16 1. That there are unusual circumstances or conditions affect-  
17 ing the property;
- 18 2. That the exception is necessary for the preservation and  
19 enjoyment of a substantial property right of the applicant;
- 20 3. That the granting of the exception will not be material-  
21 ly detrimental to the public welfare or injurious to other  
22 property in the area in which said property is situated;  
23 and
- 24 4. That the granting of such exception has been determined  
25 by the City Planning Commission to be consistent with the  
26 Master Plan, after said Commission has held a public  
27 hearing.





1 Application Packet.

2 SEC. 1222. Tentative Map.

3 (a) The Tentative Map shall be prepared by a registered civil  
4 engineer or a registered land-surveyor.

5 (b) The Tentative Map shall contain the following data, in  
6 sufficient detail to enable the Director and other agencies to eval-  
7 ate the proposed subdivision:

- 8 1. Title;
- 9 2. Explanatory Notes; and
- 10 3. Topographic Map of the proposed subdivision and adjacent  
11 lands showing the existing conditions and the proposed  
12 changes.

13 (c) The Tentative Map shall conform to the Subdivision Regula-  
14 tions regarding detailed format and contents.

15 SEC. 1223. Tentative Map Documents.

16 (a) Statement. A written statement shall contain the following  
17 information:

- 18 1. Existing use or uses of the property, including whether or  
19 not there are existing tenancies and the conditions and  
20 terms thereof;
- 21 2. Description of the proposed subdivision, including the  
22 number of lots or units, their sizes and intended use,  
23 nature of the development, and the total area of the  
24 development represented by each use;
- 25 3. The improvements proposed to be constructed or installed  
26 and the tentative schedule for the start and completion  
27 thereof;
- 28 4. Whether the subdivider intends to file a Final Map or a  
29 Parcel Map;
- 30 5. Description of variances and exceptions that are





requested; and

6. Certification that the subdivider or his agent shall not retain any right, title or interest in any common area or areas or facilities of the subdivision and its amenities, except that those common areas in which the subdivider retains an individual interest by virtue of his ownership of one or more of the units.

(b) Environmental Evaluation Data. Data shall be supplied on the appropriate City Planning forms for an Environmental Impact Evaluation.

(c) Soil and Geologic Reconnaissance Report. A report, prepared by a soils engineer or a registered engineering geologist and based upon a reconnaissance of the site and a study of geologic, soil and topographic maps and reports of the area, shall contain the following information:

1. General geologic and soil conditions within and immediately adjacent to the proposed subdivision;
2. The effect of the geologic and soil conditions on the design and layout of the subdivision;
3. Delineation of areas subject to existing or potential slides and geologic hazards; and
4. Recommendations on appropriate general corrective measures to be taken.

(d) Ownership Statement. A statement from a competent title company shall contain the names of the owners of record of the real property proposed for subdivision and all easements and other encumbrances and reservations of record affecting the property.

**SEC. 1324. Filing.**

(a) The Application Packet, together with the initial fee payment, shall be filed with the City Engineer.

(b) The date of filing shall be the date when a complete Application Packet has been accepted by the City Engineer.

(c) Upon date of filing the Applicant Packet shall become a Public Record.

**SEC. 1325. Referral to Other Agencies.** Within three (3) working days after the Application Packet has been filed with the City Engineer, the City Engineer shall forward copies to City Planning, the Bureau of Engineering, the Bureau of Building Inspection, the Human Rights Commission and other appropriate government agencies for their review.

**SEC. 1326. Time Limit for Agency Review.**

(a) The time limit for agency review shall be thirty (30) days from the date of receipt by said agency of a copy of the Application Packet.

(b) The time limit for agency review may be extended by mutual consent of the subdivider and the City Engineer.

**SEC. 1327. Agency Report.** Each reviewing agency shall report, in writing, to the City Engineer, with a copy to the subdivider, its findings on and recommendations for approval, conditional approval or denial of an Application Packet. City Planning's report shall include a finding on consistency with the Master Plan. The Bureau of Building Inspection's report shall include a finding on the necessity of a Preliminary Soil Report.

**SEC. 1328. Subdivision Conference.** Within six (6) days after all agency reports have been received or after expiration of the review time limits, and if a Public Hearing is not required by this Code, the City Engineer shall hold a Subdivision Conference to discuss the reports submitted. Written notice of such Conference shall be sent to the subdivider, to all agencies who have submitted a report, and to other persons and organizations who had expressed



an interest in the proposed subdivision.

SEC. 1329. City Engineer's Consolidated Report.

(a) Whenever a Subdivision Conference is required, the City Engineer shall submit to the Director a written report on the findings and recommendations discussed in the conference, attaching thereto copies of the reports from other agencies. A copy of said report shall be sent to each participant in the Subdivision Conference. Said report shall be submitted to the Director within four (4) days after the Subdivision Conference.

(b) Whenever a Public Hearing is required, the City Engineer shall submit to the Director, with a copy to the subdivider, a written report on the findings and recommendations received from the reviewing agencies, attaching thereto copies of the reports from said agencies. Said report shall be submitted within five (5) days after expiration of the review time limits.

SEC. 1330. Public Hearing. When a Public Hearing is required by this Code, said hearing shall be held within seventeen (17) days after the expiration of the review time limits.

SEC. 1331. Advisory Agency's Report.

(a) Within fifty (50) days after the filing of the Tentative Map, unless the time has been extended by mutual consent of the subdivider and the Director, the Director shall report in writing on said Map to the subdivider. Said report shall approve, conditionally approve or disapprove the Tentative Map. If the Map is disapproved, the report shall also state the reasons for disapproval.

(b) Copies of the Director's report shall be sent to all agencies that submitted a report and to the Board.

SEC. 1332. Consistency with Master Plan.

(a) Whenever a property is to be subdivided, the City Planning Commission shall hold a public hearing on the question of consistency

of the subdivision with the Master Plan. Notice of said hearing shall be given pursuant to Section 1313.

(b) The Director shall disapprove the proposed subdivision when City Planning finds that the proposed subdivision is not consistent with the Master Plan.

(c) When City Planning finds that a proposed subdivision will be consistent with the Master Plan only after certain proposed conditions are complied with, the Director shall incorporate said conditions in his conditional approval of the proposed subdivision.

SEC. 1333. Appeal.

(a) The subdivider may appeal to the Board from any action of the Director conditionally approving or disapproving the Tentative Map as set forth in SMA:

(b) At least twenty percent (20%) of the tenants and property owners within three hundred (300) feet of the subdivision may appeal to the Board from any action of the Director approving or conditionally approving the Tentative Map. If any property located within three hundred (300) feet of said subdivision is owned by the City and County of San Francisco, the State of California or the United States Government, or any department or agency thereof, such property shall be excluded in determining the property affected unless such owner shall itself be a subscriber of the appeal.

(c) All appeals under this Section shall be heard and acted upon by the Board according to provisions of SMA and this Code.

ARTICLE 5  
SUBDIVISION REQUIREMENTS

SEC. 1335. Public Facilities.

(a) General. Public facilities listed in this Section shall meet the design and construction standards in the Subdivision Regulations.





(b) Streets.

1. Dedicated Public Streets. A subdivision shall have direct access to a dedicated public street. Title to a new or widened dedicated public street shall be conveyed to the City by proper deed prior to approval of the Final Map.
2. Private Streets. Easements for government facilities in private streets shall meet the requirements of Section 1339 of this Code also.

(c) Pedestrian Ways. A pedestrian way through a block shall be required when the length of that block exceeds the criteria in the Subdivision Regulations.

(d) Sanitary and Drainage Facilities. The subdivider shall provide sewerage and drainage facilities, connected to City facilities, to serve adequately all lots, dedicated areas and all other areas comprising the subdivision.

(e) Fire Protection. The subdivider shall provide for the installation of fire hydrants, gated connections and other appurtenances and facilities needed for adequate fire protection, including a street fire alarm box system.

(f) Street Lighting. The subdivider shall provide street lighting facilities along all streets, alleys and pedestrian ways for the purposes of traffic safety and crime deterrence.

SEC. 1336. Utilities. The subdivider shall provide a domestic water system, connected to the San Francisco Water Department's water distribution system. He shall also provide electric, gas and communication services connected to the appropriate public utility's distribution system.

SEC. 1337. Beautification.

(a) Undergrounding of Utilities. All new utility lines shall be undergrounded as specified in Article 18 of the Public Works Code,

(b) Street Trees and Landscaping. Trees planted along a public street, within the right-of-way, and all landscaping within said right-of-way shall conform to the requirements of Article 16 of the Public Works Code. In the case of all newly constructed subdivisions, the subdivider shall provide street trees and landscaping conforming to the policies of the Master Plan. Maintenance of said trees and landscaping shall be the responsibility of the abutting property owners.

(c) Open Areas. Where required pursuant to the Master Plan, the subdivider shall provide for the landscaping of open areas and the maintenance thereof. Such open areas shall be restricted to such use by recorded covenants which run with the land in favor of the future owners of the property within the subdivision. No such covenant shall be terminated without the consent of the Board.

SEC. 1338. Recreation Facilities. Recreation facilities provided in the subdivision for use by the residents shall be restricted to recreational use by recorded covenants as described in Section 1337(c) of this Code. Provisions shall be included in said covenants for maintenance of said facilities.

SEC. 1339. Easements. Easements for sanitary and drainage facilities, fire protection facilities and City-owned street lighting facilities shall be for the exclusive use of such governmental facilities, with the right of immediate access to the facilities by the City.

SEC. 1340. Monuments.

(a) The location and installation of survey monuments shall conform to the standards in the Subdivision Regulations. When such monuments are "tied" to the City or State monuments, for which coordinates of the California Coordinate System are available, the corresponding coordinates for such monuments shall be determined and recorded.

(b) All survey monuments shall be installed prior to filing of the Final Map or Parcel Map with the City Engineer, in lieu thereof





1 a monument bond shall be filed at that time.

2 SEC. 1341. Low and Moderate Income Occupancy. In projects with  
3 fifty (50) or more units the subdivider shall make available ten  
4 percent (10%) of the units for low and moderate income occupancy  
5 provided that the City Planning Commission finds that governmental  
6 subsidies for such occupancy are available to the subdivider. This  
7 requirement shall not limit the authority of the City otherwise to  
8 encourage the provision of low and moderate income housing, or of the  
9 subdivider to make available additional low and moderate income housing.

10 SEC. 1342. Sales Program. The sales program shall promote  
11 affirmative action in housing. The following aspects shall be included  
12 in the sales program:

13 (a) All sales and sales-related personnel for the project shall  
14 be trained in affirmative action sales policy and fair housing laws.

15 (b) An adequate part of the sales program shall be advertising  
16 designed to attract qualified minority buyers.

17 (c) If a waiting list is used, there shall be a public written  
18 statement of procedure as to how it is used.

19 (d) The sales program and sales procedures shall not have the  
20 effect of excluding or discriminating against any person on the basis  
21 of race, religion, national origin, sex or any other basis prohibited  
22 by law.

23 (e) Adequate records shall be maintained by the subdivider and  
24 made available to the Director of the Human Rights Commission during  
25 the period the subdivision is controlled by the subdivider, in order  
26 to show that such an affirmative action sales program is being carried  
27 out. Said reports shall be made in accordance with the Subdivision  
28 Regulations.

1 ARTICLE 6  
2 IMPROVEMENT REQUIREMENTS

3 SEC. 1345. General.

4 (a) The subdivider shall provide for the construction and  
5 installation of all improvements in the subdivision.

6 (b) The subdivider shall file an improvement bond whenever all  
7 such work has not been completed prior to the filing of the Final  
8 Map.

9 SEC. 1346. Improvement Plans.

10 (a) Prior to filing of the Final Map, the subdivider's engineer  
11 shall submit any required improvement plans to the City Engineer for  
12 approval.

13 (b) Improvement plans shall be prepared under the direction of a  
14 registered civil engineer.

15 (c) Improvement plans shall conform to the Subdivision Regulations  
16 regarding format, size and contents.

17 (d) Any specifications supplementing the Standard Specifications  
18 shall be considered a part of the improvement plans.

19 (e) Within fourteen (14) days after submittal by the subdivider's  
20 engineer the City Engineer shall return to the subdivider's engineer a  
21 set of the submittal improvement plans noting thereon his approval,  
22 disapproval or conditional approval of said plans. This time limit



may be extended by mutual agreement.

SEC. 1347. Construction.

(a) No construction shall commence until the improvement plans have been submitted to the City Engineer and have been approved by him.

(b) Construction of improvements which are to be accepted by the City for maintenance shall be subject to inspection by the City Engineer.

(c) Any work done by the subdivider prior to approval of the improvement plans, including changes thereto, or without the inspection and testing required by the City Engineer is subject to rejection. Such work shall be deemed to have been done at the risk and peril of the subdivider.

(d) Installation of Underground Facilities. All underground facilities including sewerage and drainage facilities and excepting survey monuments installed in streets, alleys or pedestrian ways shall be constructed prior to the surfacing of such street, alley or pedestrian way. Service connections for all underground utilities and sewers shall be laid to such length as will obviate the necessity for disturbing the street, alley or pedestrian way improvements when service connections are completed to properties in the subdivision.

SEC. 1348. Failure to Complete Improvements within Agreed Time.

The provisions of Section 206(b) of the Public Works Code apply to this Article regarding extensions of time and liquidated damages when improvements are not completed within the agreed time.

SEC. 1349. Inspection and Testing Fees.

(a) The costs of inspecting the construction of improvements under Section 1347(b) of this Code shall be paid by the subdivider.

(b) The costs of testing the materials incorporated in the improvements under Section 1347(b) of this Code shall be paid by the

subdivider.

SEC. 1350. Fees for Construction of Planned Facilities.

(a) As a condition for approval of a Final Map, fees shall be required to defray the actual or estimated construction or reconstruction costs of the following planned facilities to serve the general area in which said subdivision is located:

1. Sanitary and drainage facilities;
2. Bridges; and
3. Major thoroughfares.

(b) Such fees shall equal the subdivision's pro-rated share of the actual or estimated construction costs of said facilities.

ARTICLE 7  
FINAL MAPS AND PARCEL MAPS

SEC. 1355. Time Limit for Submittal. Within eighteen (18) months after the approval of the Application Packet, unless such time has been extended, the Final Map or the Parcel Map shall be filed with the City Engineer.

SEC. 1356. Final Map.

(a) The Final Map shall consist of Title Sheets and Map Sheets.

(b) The Title Sheets shall contain the following data:

1. The title, consisting of the name of the subdivision and the location;
2. A general description of all the property being subdivided by reference to recorded deeds or to recorded maps;
3. Certificates, affidavits and acknowledgements; and
4. General information including a key map when there is more than one Map Sheet.

(c) The Map Sheets shall contain the following data, in sufficient detail so that the sale, transfer and description of real property may be accomplished by reference to the Final Map and that





1 all public facilities, properties and easements may be determined as  
2 to location, extent and condition;

- 3 1. Title;
- 4 2. Explanatory and Description Notes; and
- 5 3. Map.

6 (d) The Final Map shall conform to the requirements of Chapter 2,  
7 Article 2 of SMA and to the Subdivision Regulations regarding detailed  
8 format and contents.

9 SEC. 1357. Certificates on Final Map.

10 (a) In addition to the certificates required by SMA, the follow-  
11 ing certificates shall be on the Final Map:

- 12 1. City Attorney's Certificate;
- 13 2. Advisory Agency's Certificate;
- 14 3. Department of City Planning's Certificate of Consistency  
15 with the Master Plan;
- 16 4. A Certificate signed by the Superintendent of Building  
17 Inspection either waiving the required Preliminary Soil  
18 Report or certifying that the Preliminary Soil Report is  
19 on file at BBI; and
- 20 5. A Certificate of Agreement. Whenever the conditional  
21 approval of the Application Packet includes conditions  
22 which are to be met after the recordation of the Final  
23 Map, a Certificate signed by the subdivider agreeing to  
24 perform said conditions, which are listed on the  
25 Certificate, is required.

26 SEC. 1358. Preliminary Soil Report.

27 (a) A Preliminary Soil Report, prepared by a soils engineer or  
28 a registered engineering geologist, and based upon test borings and  
29 excavations done at the subdivision site, shall contain the following  
30 elements:

- 1 1. The specific geologic and soil conditions within and  
2 immediately adjacent to the subdivision;
- 3 2. Indication and delineation of critically expansive soils  
4 or other soil problems which, if not corrected, may lead  
5 to defects in structures, buildings and other improvements;
- 6 3. Report on the suitability of the earth material for the  
7 construction of stable embankments and excavation slopes,  
8 together with recommended construction procedures needed  
9 to obtain the required stability; and
- 10 4. Report on slides, springs and seepage conditions, faults  
11 and erosion problems, together with recommendations for  
12 correction of any problems or hazards presented by such  
13 conditions.

14 SEC. 1359. Parcel Map.

15 (a) The requirements of subsection (c) of Section 1356 of this  
16 Code shall apply to Parcel Maps.

17 (b) The Parcel Map shall conform to the requirements of Chapter 2,  
18 Article 3 of SMA and to the Subdivision Regulations regarding detailed  
19 format and contents.

20 SEC. 1360. Check Prints.

21 (a) Prior to filing of the Final Map or Parcel Map, the subdivider's  
22 engineer shall submit to the City Engineer:

- 23 1. Prints of the Final Map sheets or the Parcel Map sheets;
  - 24 2. A preliminary title report;
  - 25 3. Traverse sheets, showing the mathematical closure of the  
26 exterior boundaries around the subdivision, of each lot  
27 boundary in the subdivision, and of boundaries of easements  
28 and of dedicated rights-of-way; and
  - 29 4. The Preliminary Soil Report, unless it has been waived.
- 30





SEC. 1361. Map Check.

- (a) The City Engineer shall check the prints of the Final Map or the Parcel Map to determine if it substantially conforms to the approved Tentative Map, this Code and SMA.
- (b) If the prints do not substantially conform to the approved Tentative Map, the City Engineer shall refer a set of said prints to City Planning for its review and recommendation.
- (c) The City Engineer shall send copies of the Preliminary Soil Report to BBI for evaluation.
- (d) Within fourteen (14) days after submittal or twenty-eight (28) days if referral to City Planning is required under subsection (b) of this Section, the City Engineer shall return a set of the submitted prints, noting therein any required corrections, to the subdivider's engineer.

SEC. 1362. Filing.

- (a) After the check prints have been approved by the City Engineer, the subdivider shall file with the City Engineer:
1. The Final Map or Parcel Map, corrected to its final form, together with the copies specified in the Subdivision Regulations;
  2. The bonds that may be required;
  3. When applicable, deeds conveying all streets in the subdivision to the City and deeds granting easements for sewers, drains and pedestrian walkways which are not dedicated on the Map;
  4. Evidence of title;
  5. The recording fee and evidence that all fees required by this Code have been paid; and
  6. The corrected Preliminary Soil Report, when required.

SEC. 1363. Submittal to Board.

(a) After obtaining the required certificates on the Final Map, or on the Parcel Map when dedications are included therein, the City Engineer shall submit said Map and the other documents to the Director.

(b) After determining that all requirements of SMA and this Code have been met, the Director shall endorse the Map and file the same, together with the other documents, with the Clerk.

SEC. 1364. Recordation.

(a) After approval of a Final Map or Parcel Map by the Board, the Clerk shall file said Map with the Recorder.

(b) After signing a Parcel Map, when no dedications are included therein, the City Engineer shall file said Map with the Recorder.

(c) No Final Map or Parcel Map for a subdivision governed by this Code shall be recorded unless said Map has been approved by the City Engineer or by the Board as required herein.

ARTICLE 8  
BONDS

SEC. 1370. Improvement Bonds.

(a) As a guarantee of good faith to furnish, install and construct the required improvements, the subdivider shall furnish a corporate surety bond or other acceptable security deposit for an amount not less than fifty percent (50%) of the estimated cost of said improvements.

(b) As a guarantee of payment for the labor, materials, equipment and services required to furnish, install and construct



1 said improvements, the subdivider shall furnish a corporate surety  
2 bond or other acceptable security deposit for an amount not less  
3 than fifty percent (50%) of the estimated cost of said improvements.

4  
5 SEC. 1371. Monument bonds. As a guarantee of good faith  
6 to furnish and install the required survey monuments and to pay  
7 the subdivider's engineer or surveyor for said work, the sub-  
8 divider shall furnish a corporate surety bond or other acceptable  
9 security deposit for an amount equal to one hundred percent  
10 (100%) of the estimated cost of such work. Such work shall  
11 consist of satisfactorily furnishing and installing the said  
12 survey monuments and of accurately fixing exact survey points  
13 thereon.

#### 14 ARTICLE 9 15 CONVERSIONS

16 SEC. 1380. General. The Sections of this Article 9 modify  
17 the applicable provisions of Articles 3 through 8, inclusive,  
18 of this Code in the case of Conversions.

19 SEC. 1381. Additions to Application Packet.

20 (a) Application Packets for Conversions shall contain the  
21 following information in addition to that required by previous pro-  
22 visions of this Code:

- 23 1. A Building History detailing the date of construction,  
24 major uses since construction, major repairs since  
25 construction, current ownership of buildings and  
26 underlying land, and the proposed ownership upon  
27 Conversion; and
- 28 2. A Rental History detailing for each unit the  
29 size, the current or last rental rate, the  
30

1 monthly rental rate for the preceding five (5) years,  
2 the monthly vacancy over the preceding three (3) years,  
3 and the names of the current tenant or tenants for  
4 each unit.

5 (b) When neither new buildings nor major additions to  
6 existing facilities are indicated in the Tentative Map, a Statement  
7 of Known Soil and Geologic Conditions may be substituted for the  
8 required Soil and Geologic Reconnaissance Report. Said Statement  
9 shall be prepared by the engineer or surveyor who prepares the  
10 Tentative Map and shall contain the following information as  
11 taken from the latest U.S. Geologic Maps:

- 12 1. Soil Deposits;
- 13 2. Rock Formations;
- 14 3. Faults;
- 15 4. Ground Water; and
- 16 5. Landslides.

17 SEC. 1382. Exceptions from Application Packet.

18 (a) Application Packets for Conversions shall have  
19 deleted the following information required by previous pro-  
20 visions of this Code:

- 21 1. Except as otherwise required by other Sections of  
22 this Article 9, the statements required by Section  
23 1323(a), paragraphs 1, 2, and 3 shall be  
24 deleted.
- 25 2. The environmental evaluation data required by Sec. 1323 (b)  
26 SEC. 1383. Additional Submittals. shall be deleted.

27 (a) In addition to that information required by previous  
28 provisions of this Code to be submitted before the Final Map  
29 or Parcel Map is approved, the following shall be submitted for  
30





any Conversion:

1. A building inspector's report made by either the Bureau of Building Inspection or a certified engineer or architect acceptable to the Bureau of Building Inspection; with said report to contain any Housing Code violations and incipient or potential deficiencies including electrical, plumbing and boiler requirement;
2. A statement of repairs and improvements the subdivider plans to make before conveyance of the units by the subdivider;
3. A summary of the range of sales prices for each unit and a summary of the proposed sales program, particularly plans to promote affirmative action in housing; these summaries to be used solely to assure compliance with the requirements of this Code and SMA;
4. A summary of tenant contacts including all meetings held with tenants and all information provided to them about the project and their own options; a list of all tenants who have expressed agreement in principle to buy their own units; proposed methods of dealing with those tenants who do not plan to buy, especially those over age sixty-five (65), those totally disabled, and families with children; and any proposed program for relocation services;
5. A copy of the purchase agreement to be used for the project; and

6. Copies of all Management Documents submitted to the California State Department of Real Estate.

SEC. 1384. Procedural Additions.

(a) In addition to the notice of Public Hearing required by Section 1313, notice of the Public Hearing by the Director shall be sent to each tenant of the property proposed for Conversion in accordance with the provisions of Section 1313. The cost of such notice shall be borne by the subdivider.

(b) In addition to the requirements of Section 1331 of this Code regarding the Advisory Agency's Report, the Director shall mail a notice to each tenant which shall inform the tenant of the following:

1. The Director's decision;
2. The right of tenants to appeal the Director's decision; and
3. The availability for examination of a copy of the Advisory Agency's Report at the Director's office.

The cost of such notice shall be borne by the subdivider.

(c) Section 1333 of this Code is modified to provide for an appeal by the tenants of any project to be converted, from the final action by the Director on any application for Conversion. Any such appeal shall be taken by filing a written notice of appeal, subscribed <sup>said</sup> by at least twenty percent (20%) of the tenants, with the Clerk within fifteen (15) days after the Director's action. The Board shall hear and act upon the appeal in accordance with SMA and this Code.

(d) Within ten (10) working days after the approval or conditional approval by the Director of a Tentative Map, the subdivider shall notify each tenant of the intention to convert and of the rights established on behalf of the tenant by Section 1385 of this Code.

SEC. 1385. Additional Requirements. Conversions shall meet the following requirements in addition to those contained in previous provisions of this Code:



(a) The project shall conform to the applicable standards of the San Francisco Housing Code before the sale of any unit or units, or, if not, the plans to bring the property into conformity with said Code after final approval must be judged reasonable by the Director. If there will be conformance after final approval, the plans shall be embodied as a guarantee by the subdivider in each purchase agreement; or, if the proposed purchasers so desire, the proposed purchasers may present their own plans to bring the property into conformity for approval by the Director.

(b) The City Planning Commission shall determine whether any units to be converted are part of the City's low or moderate income housing stocks. If the Commission determines that any unit to be converted is part of the City's low or moderate income housing stocks, then the price of the unit upon conversion shall not be such as to remove it effectively from said low or moderate income housing stocks.

(c) When the City Planning Commission determines that vacancies in the project have been increased for the purpose of preparing the Tentative Map project for Conversion, the application shall be disapproved and the subdivider may not re-apply for eighteen (18) months from date of denial. In evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding five (5) years and the average monthly vacancy rate for the project over the preceding three (3) years shall be considered. ~~reason-for-disapproval.~~

(d) The present tenant or tenants of any unit to be converted shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right shall extend for at least sixty (60) days from the date of recordation of the Final Map or Parcel Map, providing that the tenant may cancel the purchase agreement if the unit is not

conveyed to that tenant within six (6) months.

(e) If temporary relocation of any tenant is necessary for renovation of a unit between the date of submission of the Tentative Map and the date established for permanent relocation by subsections (f) and (g) of this Section, then the subdivider shall find equivalent substitute housing for that tenant for the period of renovation, and shall pay to that tenant any additional cost of the substitute housing.

3 21 15  
f  
(f) For permanent relocation, each tenant not remaining in the project shall be allowed <sup>thirty (30)</sup> /one-hundred-twenty-(120) days past the date of recordation of the Final Map or Parcel Map, or until the expiration of that tenant's lease, whichever is longer; provided that, if the tenant is eligible for relocation services within Section 1385(g), that tenant shall not be evicted until he or she has been permanently relocated or until the tenant has arbitrarily rejected adequate relocation housing as provided in Section 1385(g); and provided further that any tenant over age sixty-five (65), any <sup>totally</sup> /permanently disabled, or any tenant with more than one minor child living with that tenant shall be allowed for permanent relocation <sup>thirty (30) days</sup> /eighteen-(18)-months past the date of recordation of the Final Map or Parcel Map.

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3 15 75  
g  
(g) If one or more of the units in the project are occupied by tenants of low or moderate income as defined in this Code, the subdivider shall contract with the Central Relocation Service to provide permanent relocation services for such tenant or tenants, and the subdivider shall bear the cost of that service and the actual moving expenses of such tenant or tenants to the extent approved by the Central Relocation Service. If there are any such tenants of low or moderate income in the project, the subdivider shall notify the Central Relocation Service of such tenant or tenants within ten (10) working days after approval or conditional approval of the Tentative Map.





(h) In addition to the above requirements, no conversion of a project containing fifty (50) or more units or of a portion of a development containing fifty (50) or more units shall be approved unless a number of tenants in such project or in such development, equal to or exceeding thirty-five (35%) of all the units in the project or development shall have consented in principle to the proposed conversion. For the purposes of this requirement, each unit shall have one vote and only tenants who were in occupancy at the time of the filing of the Tentative Map shall vote. Each tenant voting shall subscribe his or her name to a list to be filed with the Advisory Agency. Tenant consent to conversion in principle shall not be obtained by either:

1. Representations to the tenant which violate SMA or Real Estate Commissioner Regulations prohibiting offering units for sale prior to issuance of the State Subdivision Report; or
2. By offering to the tenant a discount on the purchase price, or other inducement to consent, which will not be offered to all other tenants or other non-tenants.

APPROVED AS TO FORM ONLY:

THOMAS M. O'CONNOR, CITY ATTORNEY

By James J. Stark

Passed for Second Reading  
Board of Supervisors, San Francisco

MAR 17 1975

Ayes: Supervisors Barbagelata, Feinstein, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Nelder, Pelosi, Tamaras, von Beroldingen.

Noes: Supervisors

Absent: Supervisors

Rafael J. Del Clerk

569-74-1  
File No.

Approved

Mayor

Passed for Second Reading  
Board of Supervisors, San Francisco

MAR 24 1975

Ayes: Supervisors Barbagelata, Feinstein, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Nelder, Pelosi, Tamaras, von Beroldingen.

Noes: Supervisors

Absent: Supervisors

William Brennan Clerk

569-74-1  
File No.

Approved

Mayor

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

Ayes: Supervisors Barbagelata, Feinstein, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Nelder, Pelosi, Tamaras, von Beroldingen.

Noes: Supervisors

Absent: Supervisors

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

ACTING  
Clerk

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

Ayes: Supervisors Barbagelata, Feinstein, Francois, Gonzales, Kopp, Mendelsohn, Molinari, Nelder, Pelosi, Tamaras, von Beroldingen.

Noes: Supervisors

Absent: Supervisors

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

Clerk



1 AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE  
2 (SUBDIVISION CODE) BY AMENDING SECTION 1315 THEREOF RELATING TO THE  
3 FEES COLLECTED FOR CHECKING AND PROCESSING THE SUBDIVISION MAPS.

4  
5 Be it ordained by the People of the City and County of San Francisco:

6 Section 1. Chapter XIII of Part II of the San Francisco  
7 Municipal Code (Subdivision Code) is hereby amended by amending  
8 Section 1315 thereof to read as follows:

9 Section 1315. Fees.

10 (a) Fees, payable to the Department of Public Works, shall be  
11 charged for checking and processing the maps, plans and reports filed  
12 under this Code. Said fees shall consist of an initial payment of  
13 one hundred dollars (\$100.00), paid at the time of filing a Tentative  
14 Map, plus any required additional sum needed to equal the actual cost  
15 of checking the maps, plans and reports, together with the investi-  
16 gations incidental thereto. For Parcel Maps which do not require the  
17 filing of a Tentative Map, a flat fee of fifty dollars (\$50.00) shall  
18 be charged for checking and processing. All such fees shall have  
19 been paid prior to approval by the Board of the Final Map and by the  
20 City Engineer of the Parcel Map.

21 (b) Payment of Fees charged under this Code does not waive the  
22 fee requirements of other ordinances and rules and regulations  
23 pursuant thereto.  
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1 (c) There is hereby created a Subdivision Fund wherein all  
2 funds received under the provisions of this Section shall be  
3 deposited. All expenditures from the Fund shall be for engineering  
4 or technical investigations and equipment directly related to the  
5 checking and processing of the maps, plans and reports filed under  
6 this Code, and all such expenditures are hereby appropriated for  
7 said purposes.

8  
9 RECOMMENDED: G.E.W.

APPROVED AS TO FORM:  
THOMAS H. O'CONNOR, CITY ATTORNEY

By James V. ...  
Deputy City Attorney

11  
12 Phil C. ...  
City Engineer

13  
14 Phil ...  
Director of Public Works

15  
16 APPROVED:  
17 ...  
18 Chief Administrative Officer

Passed for Second Reading  
Board of Supervisors, San Francisco

SEP - 2 1975

Ayes: Supervisors Barbagelata, Feinstein, Fran-  
cola, Gonzales, Kopp, Mendelsohn, Molinari, Nel-  
der, Pelosi, Tamara, von Beroldingen.

Not: Supervisor ... MOLINARI

Absent: Supervisors

Margaret H. Maguire ACTING Clerk

569-74-5  
File No.

SEP 11 1975  
Approved

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

SEP - 6 1975

Ayes: Supervisors Barbagelata, Feinstein, Fran-  
cola, Gonzales, Kopp, Mendelsohn, Molinari, Nel-  
der, Pelosi, Tamara, von Beroldingen.

Not: Supervisors

Absent: Supervisor ... TAMARA

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

Margaret H. Maguire ACTING Clerk

Joseph L. ...  
Mayor





FILE NO. 496-76ORDINANCE NO. 450-76

AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE (SUBDIVISION CODE) BY AMENDING SECTION 1303 THEREOF TO WAIVE THE REQUIREMENT FOR A PARCEL MAP UNDER CERTAIN CONDITIONS

As it ordained by the people of the City and County of San Francisco;

Section 1. Chapter XIII, Part II, of the San Francisco Municipal Code (Subdivision Code) is hereby amended by amending Section 1303 thereof to read as follows:

SEC. 1303. Scope.

(a) This Code supplements SMA, prescribing rules, regulations and procedures authorized therein.

(b) The necessity for tentative Maps, Final Maps and Parcel Maps shall be governed by this Section and SMA.

(c) For subdivisions creating five (5) or more parcels or units, a Tentative Map and a Final Map or Parcel Map shall be required pursuant to this Code and SMA.

1. A Tentative Map and a Final Map shall be required for all such subdivisions except those coming within the exceptions set forth in Section 60426 of SMA.

2. A Tentative Map and a Parcel Map shall be required for all such subdivisions coming within the exceptions set forth in Section 60426 of SMA.

(d) For subdivisions creating fewer than five (5) parcels or units, no Tentative Map shall be required, but a Parcel Map containing the information specified by Section 1359 of this Code and SMA shall be required.

Said Parcel Map shall be filed with the City Engineer and recorded according to the procedure set forth in Sections 1350 through 1354 of this Code.

(e) No Tentative Map, Final Map or Parcel Map shall be required for those specific types of subdivision exempted by Sections 60412 and 60428 of SMA.

(f) The Director of Public Works shall ~~have the authority to~~ waive the requirement of a Parcel Map for any improved or unimproved land shown on the latest equalized county assessment roll as contiguous units or parcels where the units or parcels have been subdivided legally and complies with the requirements as to lot width and area, improvement and design, flood water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection.

Passed for Second Reading  
Board of Supervisors, San Francisco

NOV 1 1976

Ayes: Supervisors Berman, Feinstein, Francisco, Gonzalez, Kopp, Mendonsohn, Milzard, Nelder, Priolo, Tamayo, Von Borellingen

Noes: Supervisors

Absent: Supervisors MENDONSOHN

..... Clerk

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

NOV 8 1976

Ayes: Supervisors Berman, Feinstein, Francisco, Gonzalez, Kopp, Mendonsohn, Milzard, Nelder, Priolo, Tamayo, Von Borellingen

Absent: Supervisors

Absent: Supervisors ESTENLATA, GONZALEZ

MENDONSOHN, TAMAYO

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco.

..... Clerk

496-76  
FILE NO.

NOV 12 1976  
Approved



AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE  
(SUBDIVISION CODE) BY AMENDING SECTION 1315 THEREOF TO REQUIRE PAYMENT  
OF A FEE FOR PROCESSING PARCEL MAP WAIVER

Be it ordained by the people of the City and County of San Francisco;

Section 1. Chapter XIII, Part II, of the San Francisco Municipal  
Code (Subdivision Code) is hereby amended by amending Section 1315

thereof to read as follows:

SEC. 1315. Fees.

(a) Fees, payable to the Department of Public Works, shall be  
charged for checking and processing the maps, plans and reports filed  
under this Code. Said fees shall consist of an initial payment of one  
hundred dollars (\$100.00), paid at the time of filing a Tentative Map,  
plus any required additional sum needed to equal the actual cost of  
checking the maps, plans and reports, together with the investigations  
incidental thereto. For Parcel Maps which do not require the filing  
of a Tentative Map, a flat fee of fifty dollars (\$50.00) shall be  
charged for checking and processing. A fee of twenty five dollars  
(\$25.00) shall be charged for processing a Parcel Map waiver. All  
such fees shall be paid at the time of filing.

(b) Payment of Fees charged under this Code does not waive the  
requirements of other ordinances and rules and regulations pursu-  
ant thereto

(c) There is hereby created a Subdivision Fund wherein all funds  
received under the provisions of this Section shall be deposited. All  
expenditures from the Fund shall be for engineering or technical

BOARD OF SUPERVISORS

1 investigations and equipment directly related to the checking and  
2 processing of the maps, plans, reports and parcel map waivers filed  
3 under this Code, and all such expenditures are hereby appropriated for  
4 said purposes.

7 RECOMMENDED:

APPROVED AS TO FORM:  
THOMAS M. GILKINSON, CITY ATTORNEY

By Jeffrey Lee  
City Engineer

By Thomas M. Gilkinson  
Deputy City Attorney

John Patterson  
Director of Public Works

John Patterson  
Chief Administrative Officer

Passed for Second Reading  
Board of Supervisors, San Francisco  
AUG 8 - 1977

Ayes: Supervisors Barbagelata, Feinstein, Fran-  
cois, Gonzales, Kopp, Mendelsohn, Molinari, Nel-  
der, Pelosi, ~~Trammell~~ von Beroldingen.

~~Noes: Supervisors~~

Absent: Supervisors FEINSTEIN MENDELSON  
MOLINARI PELICCI

John Patterson Clerk

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

AUG 15 - 1977

Ayes: Supervisors Barbagelata, Feinstein, Fran-  
cois, Gonzales, Kopp, ~~Mendelsohn~~ Molinari, Nel-  
der, Pelosi, Tamias, von Beroldingen.

~~Noes: Supervisors~~

Absent: Supervisors ~~Barbagelata~~ MENDELSON  
NELDER

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

John Patterson Clerk

496-76-2 AUG 26 1977  
File No. Approved

John Patterson Mayor





1 AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE  
2 (SUBDIVISION CODE) BY AMENDING SECTION 1315 THEREOF TO REQUIRE PAYMENT  
3 OF A FEE FOR PROCESSING PARCEL MAP WAIVER

Be it ordained by the people of the City and County of San Francisco;

Section 1. Chapter XIII, Part II, of the San Francisco Municipal Code (Subdivision Code) is hereby amended by amending Section 1315 thereof to read as follows:

SEC. 1315. Fees.

(a) Fees, payable to the Department of Public Works, shall be charged for checking and processing the maps, plans and reports filed under this Code. Said fees shall consist of an initial payment of one hundred dollars (\$100.00), paid at the time of filing a Tentative Map, plus any required additional sum needed to equal the actual cost of checking the maps, plans and reports, together with the investigations incidental thereto. For Parcel Maps which do not require the filing of a Tentative Map, a flat fee of fifty dollars (\$50.00) shall be charged for checking and processing. A fee of twenty five dollars (\$25.00) shall be charged for processing a Parcel Map waiver. All such fees shall be paid at the time of filing.

(2) Payment of Fees charged under this Code does not waive the fee requirements of other ordinances and rules and regulations pursuant thereto.

RECEIVED  
*Ch. J. Nathan*  
Director of Public Works

DESCRIPTION APPROVED:  
Robert L. [Signature]  
City Engineer

FORM APPROVED:  
THOMAS M. O'CONNOR, CITY ATTORNEY  
*Thomas M. O'Connor*  
Deputy City Attorney

APPROVED:

*R. H. [Signature]*

Chief Administrative Officer

### SCALE OF EMPLOYMENT

Passed for Second Reading  
Board of Supervisors, San Francisco

MAY 31 1977

Ayes: Supervisors ~~Tartaglata~~, Feinstein, Fran-  
cois, Gonzalez, Kopp, ~~Murphy~~, Molinari, Nel-  
der, Pelosi, Tamara von Beroldingen.

பெரிய கட்டிடம்

Absent: Supervisor... 304 1031-74

.. MENDELSON .....

..... H. B. Newman, Genl.

Road Second Time and Finally Passed  
Board of Supervisors, San Francisco

1977-78

Ayes: Superiores Barbagelata, Feinstein, P.  
Gonzales, Kopf, Mammuth, Molnar, Ne-  
ger, Fein, Tarnitz, von Deringer.

Stromer, 1892, p. 100, pl. 1, fig. 1.

Absent: Superiors ... 12/1/2000 ... WEINSTEIN

FELCO;

I hereby certify that the foregoing ordinance was  
legally passed by the Board of Supervisors of the  
City and County of San Francisco.

..... *W. L. F. Duncan*

George R. Roper

496-76-1

JUN 17 1977

●●●●●  
●●●●●



FILE NO. 74-80-2

ORDINANCE NO. 148-80

1 AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE  
2 (SUBDIVISION CODE) BY AMENDING SECTION 1315 THEREOF TO ADJUST THE  
3 AMOUNT OF FEES TO BE PAID FOR PROCESSING SUBDIVISION MAP, PARCEL MAP  
4 AND PARCEL MAP WAIVER.

5  
6 SEC. 1315. Fees.

7 (a) Fees, payable to the Department of Public Works, shall be  
8 charged for checking and processing the maps, plans and reports,  
9 including all condominium maps, filed under this Code. Said fees  
10 shall consist of an initial payment in accordance with the estimated  
11 actual cost of checking the maps, plans and reports, together with  
12 investigations incidental thereto, and shall be paid at the time of  
13 filing a Tentative Map. Where initial payment is insufficient to  
14 compensate the actual cost incurred, additional sum shall be charged  
15 to equal such actual cost. For Parcel Maps, excepting condominium  
16 maps, which do not require the filing of a tentative map, and which  
17 do not involve street dedications or improvements, a flat fee of two  
18 hundred dollars (\$200.00) shall be charged for checking and processing.  
19 A fee of fifty dollars (\$50.00) shall be charged for processing a  
20 Parcel Map waiver. All such fees shall be paid at the time of filing.

21 (b) Payment of Fees charged under this Code does not waive the  
22 fee requirements of other ordinances and rules and regulations pursu-  
23 ant thereto.

24 (c) There is hereby created a Subdivision Fund wherein all funds  
25  
26  
27  
28  
29  
30

BOARDS OF SUPERVISORS

1 received under the provisions of this Section shall be deposited. All  
2 expenditures from the Fund shall be for engineering or technical  
3 investigations and equipment directly related to the checking and  
4 processing of the maps, plans, reports and parcel map waivers filed  
5 under this Code, and all such expenditures are hereby appropriated  
6 for said purposes.

7  
8  
9 RECOMMENDED:

10 Joseph Carroll  
11 City Engineer

12 Jeffrey H. Lee  
13 Director of Public Works

APPROVED AS TO FORM  
GEORGE AGOST, CITY ATTORNEY

By Thomas A. Cornejo  
Deputy City Attorney

Kurt R. Smith  
for Chief Administrative Officer

Passed for Second Reading  
Board of Supervisors, San Francisco

APR 7 1980

Ayes: Supervisors Bards, Britt, Horanzy, Hutch,  
Kopp, Lawson, Molinari, Renne, Silver, Walker,  
Ward.

Noes: Supervisors

Absent: Supervisors

W. Berman Clerk

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

APR 11 1980

Ayes: Supervisors Bards, Britt, Horanzy, Hutch,  
Kopp, Lawson, Molinari, Renne, Silver, Walker,  
Ward.

Noes: Supervisors

Absent: Supervisors HORANZY KOPP MOLINARI

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

W. Berman Clerk

94-80-2

APR 18 1980



FILE NO. 152-79-1

ORDINANCE NO. 337-79

AMENDING PART II, CHAPTER XIII (SUBDIVISION CODE), SAN FRANCISCO MUNICIPAL CODE BY AMENDING ARTICLE 1 CONCERNING THE PURPOSES OF THE SUBDIVISION CODE; ARTICLE 2 CONCERNING THE DEFINITIONS OF TENANT, SUB-TENANT, AND LOW AND MODERATE INCOME HOUSING STOCK; ARTICLE 3 CONCERNING THE REQUIREMENT OF PUBLIC HEARINGS; ARTICLE 4 CONCERNING THE REQUIREMENT FOR A TENTATIVE MAP APPLICATION, DISCRETION OF CITY ENGINEER TO HOLD SUBDIVISION CONFERENCE WHERE PUBLIC HEARING IS NOT REQUIRED, REQUIREMENT AND DISCRETION OF THE CITY PLANNING COMMISSION TO HOLD PUBLIC HEARING ON THE CONSISTENCY OF CONDOMINIUM SUBDIVISIONS OTHER THAN CONVERSIONS OF MORE THAN FIFTY UNITS WITH THE MASTER PLAN; ARTICLE 5 CONCERNING LOW AND MODERATE INCOME OCCUPANCY REQUIREMENTS AND A HOUSING DEVELOPMENT FUND; ARTICLE 7 CONCERNING REQUIREMENTS FOR FINAL AND PARCEL MAPS; ADDING ARTICLE 9, SECTIONS 1380 THROUGH 1396 CONCERNING REQUIREMENTS FOR CONVERSION TO CONDOMINIUM WHICH INCLUDE REQUIREMENTS FOR AND EXCEPTIONS TO THE APPLICATION PACKET, CONFORMITY TO HOUSING, BUILDING AND PLANNING CODES, PRESERVATION OF LOW AND MODERATE INCOME HOUSING, CIRCUMSTANCES FOR DENIAL OF THE TENTATIVE MAP, RIGHT OF TENANTS TO CONTRACT FOR PURCHASE OF UNIT, REQUIREMENT FOR TENANT INTENT TO PURCHASE, PROVISION FOR TEMPORARY RELOCATION OF TENANTS, RENT INCREASES TO BE LIMITED FOR CERTAIN TIME PERIODS TO RAY AREA COST OF LIVING INDEX, NOTICE OF INTENT TO CONVERT AND NOTICE OF EVICTION TO BE GIVEN, EXTENSION OF LEASES TO ALL TENANTS, EXTENSION OF LIFETIME LEASES TO ELDERLY

BOARD OF SUPERVISORS

Page 1

mk  
7-2-79

AND RELOCATION ASSISTANCE, PROVISION OF MOVING EXPENSES AND RELOCATION ASSISTANCE BY SUBDIVIDER, TIME LIMITS FOR RE-APPLICATION FOR CONVERSION, SALE OF UNITS, AND LIMITATION ON NUMBER OF APPROVED CONVERSIONS TO 1,000 UNITS PER YEAR; AND REPEALING ARTICLE 9 SECTION 1380 THROUGH 1385, AN EMERGENCY ORDINANCE.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Part II, Chapter XIII of the San Francisco Municipal Code (Subdivision Code) is hereby amended by amending Article 1, Section 1302; by amending Article 2, Section 1308; by amending Article 3, Section 1314; by amending Article 4, Section 1323, 1328 and 1332; by amending Article 5, Section 1341; and, by amending Article 7, Sections 1357 and 1359, to read as follows:

#### ARTICLE 1

##### GENERAL PROVISIONS

##### SEC. 1302. Purposes.

(a) This Code is enacted to establish procedures and requirements for the control and approval of subdivision development within the City and County of San Francisco in accordance with SMA.

(b) This Code is enacted to encourage and ensure the development of subdivisions consistent with the objectives of the San Francisco Master Plan.

BOARD OF SUPERVISORS

Page 2





1 (c) Recognizing that, by their unique character and impact  
2 on the City's population and housing stock, condominium conver-  
3 sion subdivisions differ from other subdivisions, implementation  
4 of subsections (a) and (b) of this Section requires the adoption  
5 of special requirements for conversions, the purposes of which  
6 are:

7 1. To preserve a reasonable balance of ownership and  
8 rental housing within the City and County of San Fran-  
9 cisco by providing for an annual limitation on the  
10 number of units which may be converted to condomin-  
11 iums in any year.

12 2. To promote the meaningful expansion of homeowner-  
13 ship opportunities for existing tenants and to prevent  
14 the displacement of existing tenants by requiring a  
15 high degree of tenant intent to purchase their rental  
16 unit as a condition of approval.

17 3. To reduce the impact of such conversions on  
18 non-purchasing tenants who may be required to relocate,  
19 by providing for procedures for notification and  
20 adequate time and assistance for relocation, and  
21 providing for the reimbursement of costs resulting from  
22 such relocation.

23 4. To prevent the displacement of elderly and disabled  
24 tenants by assuring them of extended leases to remain  
25 in their units subsequent to conversion.

26 5. To assure that purchasers of converted housing have

1 been properly informed as to the physical condition of  
2 the structure which is offered for purchase.

3 6. To prevent the effective loss of the City's low or  
4 moderate income housing stock by requiring sales price  
5 limitations on those units proposed for conversion  
6 which are found to be part of the low or moderate  
7 income housing stock.

8 7. To expand the supply of the City's low or moderate  
9 income housing stock by provision of a minimum of ten  
10 percent low or moderate income housing units in any  
11 condominium subdivision, or by construction of an  
12 equivalent number of such units elsewhere, or by  
13 in-lieu payments into a City housing development fund.

14 ARTICLE 2

15 DEFINITIONS

16 SEC. 1308 Subdivisions.

17 (a) "Common areas" shall mean an entire project excepting  
18 all units therein granted or reserved.

19 (b) "Community Apartments" shall mean an estate in real  
20 property consisting of an undivided interest in common in a  
21 parcel of real property and the improvements thereon coupled with  
22 the right of exclusive occupancy of any apartment located therein.

23 (c) "Condominium" shall mean an estate in real property  
24 consisting of an undivided interest in common in a portion of a  
25 parcel of real property together with a separate interest in  
26 space in a residential, industrial, or commercial building on



1 such real property, such as an apartment, office, or store. A  
2 Condominium may include in addition a separate interest in other  
3 portions of such real property. Such estate may, with respect to  
4 the duration of its enjoyment, be either (1) an estate of  
5 inheritance of perpetual estate, (2) an estate for life, or (3)  
6 an estate for years, such as a leasehold or subleasehold. This  
7 definition is intended to conform to Section 783 of the  
8 California Civil Code and any other section of California law.

9 (d) "Conversion" shall mean a proposed change in the type  
10 of ownership of a parcel or parcels of land, together with the  
11 existing attached structures, to that defined as a Condominium  
12 project, Community Apartment project or Stock Cooperative,  
13 regardless of the present or prior use of such land and struc-  
14 tures and of whether substantial improvements have been made to  
15 such structures.

16 (e) "Project" shall mean the entire parcel of real property  
17 divided or to be divided in any of the methods defined as a  
18 subdivision.

19 (f) "Stock Cooperative" shall mean a corporation formed or  
20 availed of primarily for the purpose of holding title to, either  
21 in fee simple or for a term of years, improved real property, if  
22 all or substantially all of the shareholders of such corporation  
23 receive a right of exclusive occupancy in a portion of the real  
24 property, title to which is held by the corporation, which right  
25 of occupancy is transferable only concurrently with the transfer  
26 of the share or shares of stock in the corporation held by the

1 person having such right of occupancy.

2 (g) "Subdivider" shall mean a person, firm, corporation,  
3 partnership or association who proposes to divide, divides or  
4 causes to be divided real property into a subdivision for himself  
5 or for others. City agencies, including the San Francisco  
6 Redevelopment Agency, are exempted from this definition.

7 (h) "Subdivision" shall mean the division of any improved  
8 or unimproved land, shown on the latest equalized county assess-  
9 ment roll as a unit or as contiguous units, for the purpose of  
10 sale, lease or financing, whether immediate or future. Property  
11 shall be considered as contiguous units even if it is separated  
12 by roads, streets, utility easements or railroad rights-of-way.  
13 This definition shall specifically but not exclusively include  
14 Condominiums, Community Apartments, Stock Cooperatives and  
15 Conversions.

16 (i) "Unit" shall mean the elements of a project which are  
17 to be owned individually and not in common with the owners of  
18 other elements of the project.

19 (j) "Tenant" shall mean a person or persons entitled under  
20 a lease rental agreement or other agreement with the property  
21 owner or his or her agent to occupy a dwelling unit to the  
22 exclusion of others. For purposes of this definition, "Tenant"  
23 shall mean "Subtenant" or defined in Section 1308(k) where the  
24 subtenant occupies and resides in the unit in agreement with and  
25 to the exclusion of the tenant and with the consent of the owner.

26 (k) "Sub-tenant" shall mean a person or persons whose





rights to occupy a dwelling are derived from the tenant rather than from the property owner or his or her agent.

(l) "Low Income Housing Stock" shall mean those rental dwelling units in buildings being proposed for conversion for which the rent, at the time the application for conversion is filed, does not exceed twenty-five percent (25%) of the gross monthly income of a low income household as defined in Section 1309(e). For purposes of applying this Section and Section 1309(e), a studio apartment shall be deemed to be a one-person household, a one-bedroom apartment shall be deemed to be a two-person household, a two-bedroom apartment shall be deemed to be a three-person household, and a three-bedroom apartment shall be deemed to be a four-person household.

(m) "Moderate Income Housing Stock" shall mean those rental dwelling units in buildings being proposed for condominium conversion, the rental for which at the time of filing the application for conversion exceeds the amount which would cause the unit to be defined as low income housing stock pursuant to Section 1309(l), but does not exceed twenty-five percent (25%) of the gross monthly income of a moderate income household as defined in Section 1309(f). In relating the size of the unit to household size, the same relationships set forth for low income housing shall apply.

#### ARTICLE 3

##### GENERAL PROCEDURAL PROVISIONS

S&C. 1314. Public Hearings; When Required. Whenever a

property to be subdivided will be divided into twenty-five (25) or more lots or units, the Director at his or her discretion may hold a Public Hearing either jointly with the Department of City Planning or solely by the Department of Public Works prior to reporting on the Tentative Map for said subdivision. The City Planning Commission shall hold public hearings as required by Section 1332 of this Code.

#### ARTICLE 4

##### TENTATIVE MAPS

Sec. 1323. Tentative Map Documents.

Sec. 1328. Subdivision Conference.

Sec. 1332. Consistency with Master Plan.

##### S&C. 1323 Tentative Map Documents.

(a) Statement. A written statement shall contain the following information:

1. Existing use or uses of the property, including whether or not there are existing tenancies and the conditions and terms thereof;
2. Description of the proposed subdivision, including the number of lots or units, their sizes and intended use, nature of the development, and the total area of the development represented by each use;
3. The improvements proposed to be constructed or installed and the tentative schedule for the start and completion thereof;
4. Whether the subdivider intends to file a Final Map



or a Parcel Map;

5. Description of variances and exceptions that are requested; and

6. Certification that the subdivider or his or her agent shall not retain any right, title or interest in any common area or areas or facilities of the subdivision and its amenities, except those common areas in which the subdivider retains an individual interest by virtue of ownership of one or more of the units.

(b) Environmental Evaluation Data. Data shall be supplied on the appropriate City Planning forms for an Environmental Impact Evaluation or in appropriate format to satisfy requirements for environmental review under the California Environmental Quality Act.

SEC. 1328. Subdivision Conference. Within six (6) days after all agency reports have been received or after expiration of the review time limits or any mutually agreed extension thereof, and if a public hearing is not required by this code or deemed necessary by the Director, the City Engineer at his or her discretion may hold a subdivision conference to discuss the reports submitted. Written notice of such conference shall be sent to the subdivider, to all agencies who have submitted a report, and to other persons and organizations who have expressed an interest in the proposed subdivision.

SEC. 1332. Consistency with Master Plan.

BOARD OF SUPERVISORS

Page 9

(a) Whenever a property is to be subdivided, the City Planning Commission shall hold a public hearing on the question of consistency of the subdivision with the Master Plan except for condominiums other than conversions, where the property to be subdivided will be divided into fewer than fifty (50) units; a public hearing shall be held in such cases, however, upon request by one or more owners of contiguous property within ten (10) days following the mailing of notice to those owners of the filing of an application for a condominium subdivision, or upon a determination of the Department of City Planning that a public hearing is warranted on the question of consistency of the subdivision with the Master Plan. Notice of such hearing shall be given pursuant to Section 1313.

(b) The Director shall disapprove the proposed subdivision when the Department of City Planning finds that the proposed subdivision is not consistent with the Master Plan.

(c) When the Department of City Planning finds that a proposed subdivision will be consistent with the Master Plan only upon compliance with certain conditions, the Director shall incorporate said conditions in his or her conditional approval of the proposed subdivision.

#### ARTICLE 5

#### SUBDIVISION REQUIREMENTS

SEC. 1341. Low and Moderate Income Occupancy.

(a) In all subdivisions involving fifty (50) or more lots or units, except for condominium or cooperative conversion

BOARD OF SUPERVISORS

Page 10



1 subdivisions, the subdivider shall make available ten percent  
2 (10%) of the units for low and moderate income occupancy provided  
3 that the City Planning Commission finds that governmental  
4 subsidies for such occupancy are available to the subdivider.  
5 This requirement shall not limit the authority of the City  
6 otherwise to encourage the provision of low and moderate income  
7 housing, or of the subdivider to make available additional low  
8 and moderate income housing.

9 (b) In all condominium or cooperative conversion  
10 subdivisions with five (5) or more lots or units, the subdivider  
11 shall make available ten percent (10%) of the lots or units for  
12 rental or for purchase by households of low or moderate income.  
13 In the event, that the total number of units determined to be  
14 within the low or moderate income housing stocks pursuant to  
15 Section 1385 is greater than ten percent (10%) of the total  
16 number of units in the subdivision, such greater number shall  
17 apply.

18 (c) If the units are to be made available for purchase,  
19 then the sales prices of such units shall not exceed 2.5 times  
20 the annual median income for low or moderate income households,  
21 as defined, and as adjusted for household size according to the  
22 relationship to the size of the dwelling, as set forth in Section  
23 1309. Priority for purchase of these units shall be as set forth  
24 in Section 1385. Any low or moderate income household which  
25 purchases a dwelling pursuant to this Section shall grant a  
26 right-of-first refusal to the City and County of San Francisco,

1 or to such other entity that at a future time may be designed by  
2 the City and County of San Francisco, to repurchase the dwelling  
3 from the initial purchaser at the original price plus the cost of  
4 any improvements paid for by the owner, plus an increase  
5 proportionate to the increases in the housing component of the  
6 "Bay Area Cost of Living Index, U. S. Dept. of Labor", over the  
7 intervening time period. The City and County of San Francisco,  
8 or designated agency, shall reconvey such unit to other qualified  
9 low or moderate income purchaser if the right to purchase is  
10 exercised by the City or its designated agent.

11 (d) If the units are to be for rental, then the rent in  
12 such units shall not exceed the rent charged at the time of  
13 filing the application for conversion, or the maximum rent that  
14 would be allowed so as to keep the unit within the low or  
15 moderate income housing stock, whichever rent level is lower.  
16 Once established, rent levels for any units remaining as rental  
17 pursuant to this Section may be increased annually consistent  
18 with any changes in the residential rent component of the "Bay  
19 Area Cost of Living Index, U. S. Dept. of Labor"; provided that  
20 the rental increase provisions of this Section shall be operative  
21 only in the absence of other applicable rent increase or  
22 arbitration laws. In cases of hardship to the subdivider, or in  
23 cases where a rent increase authorized herein is considered by  
24 the tenant to be not consistent with increases in the residential  
25 rent component of the Bay Area Cost of Living Index, either a  
26 subdivider or a tenant may request relief under this section from





the Director or his or her designee. In considering the reasonableness of a rent increase, the Director shall consider whether the rental revenues are sufficient to adequately maintain the building in safe and sound condition, and in conformity with any applicable sections of the San Francisco Housing and Building Codes. The Director may allow rent increases greater than the proportionate increases in the residential rent component of the "Bay Area Cost of Living Index, U. S. Department of Labor", in order to allow the building to be maintained in safe and sound condition. The rental increase provisions of this section shall apply only in the absence of other applicable rent increase or arbitration laws.

(e) Units made available for purchase by households of low or moderate income shall remain within the low or moderate income housing stock pursuant to the recapture provision of Section (c) above. Units made available for rental shall remain as rental units for no less than twenty (20) years, provided, however, that such rental units may be converted to condominiums during such twenty (20) year period if offered for sale according to the sales price formula of section (c) above.

(f) As an alternative to the provisions of subsections (b) and (c) above, the subdivider shall make a bona fide agreement, satisfactory to the Department of City Planning, to construct or cause to be constructed within a period commencing eighteen (18) months prior to the date of filing the application for conversion and ending eighteen (18) months after filing of the final or

parcel map, or to provide through other means, the same number of units and under the same conditions as would be required for low or moderate income occupancy under the provisions of subsections (b) and (c) above, in areas approved by the Department of City Planning as being non-impacted with assisted housing.

(g) As a further alternative to the provisions of subsections (b), (c), and (f) above, the subdivider shall pay to the City and County of San Francisco an amount equal to ten percent (10%) of the difference between the aggregate total of the proposed market rate sales prices, as indicated on the price list supplied with the application packet, and the aggregate total of the sales prices if the units were to be sold at moderate income sales prices, as determined by the sales price formula of Section 1385 and subsection (c) above. This payment shall be made within two years of the recordation of the Final Map.

(h) Funds collected pursuant to subsection (g) above, shall be deposited into the Housing Development Fund, which fund is to be used to provide assistance in the development of new housing resources for persons and households of low or moderate income.

SEC. 1343. Policies and Procedures for use of the Housing Development Fund.

1. Purpose of the Fund

(a) To reduce the cost of construction of new residential structures so that dwelling units in such structures are affordable by persons of low



1 and moderate income.

2 (b) To expand homeownership opportunities for  
3 persons of low or moderate income through  
4 down payment assistance, co-ownership, and/or  
5 "equity partnership" programs.

6 **2. Eligible Uses of the Fund**

7 (a) Monies from the Fund may be used to reduce  
8 the development costs of new housing including,  
9 but not limited to, land costs, architectural,  
10 engineering and permit fees, construction and  
11 mortgage financing and interest subsidies  
12 thereof, and the costs of site preparation.

13 (b) Monies from the Fund may be used in the  
14 context of a "co-ownership" or "equity  
15 partnership" program to pay the difference  
16 between the market price of single-family  
17 dwelling, or a unit in a condominium, community  
18 apartment or stock co-operative project, and the  
19 price of such unit at which it would be  
20 affordable by persons or households of low or  
21 moderate income.

22 (c) Monies from the Fund may be used to provide  
23 down payment assistance to persons or households  
24 of low or moderate income acquiring newly  
25 constructed housing units or existing units that  
26 otherwise would not be affordable by such persons

1 or households.

2 (d) Monies may be used to pay the cost of  
3 administering the Fund, including payment to  
4 members of the Loan and Grant Committee who are  
5 not public officials, of an amount not to exceed  
6 twenty-five dollars (\$25) per meeting.

7 **3. Administration of the Fund**

8 (a) There shall be established a Housing  
9 Development Fund Loan and Grant Committee,  
10 comprised of five members; one shall be the  
11 Director of Property, as head of the Real Estate  
12 Department; the four others shall be knowledge-  
13 able about housing construction or finance, and  
14 shall be appointed by the Mayor and confirmed by  
15 the Board of Supervisors.

16 (b) The Fund shall be administered by the Real  
17 Estate Department.

18 (c) The Chief Administrative Officer shall  
19 promulgate such rules and regulations as are  
20 necessary to provide for the governance and  
21 administration of the Fund.

22 **4. Application for Loan or Grant Funds**

23 Any private developer, public agency, or non-profit  
24 corporation concerned with the construction of housing, or  
25 concerned with the provision of housing opportunities for low or  
26 moderate income persons, may make application to the Real Estate





1 Department for the use of monies from the Fund to be applied to a  
2 specific residential development or for creation of a loan  
3 program or co-ownership or equity partnership program.

4 Applications shall specify how monies from the Fund would  
5 make units affordable by persons or households of low or moderate  
6 income and shall specify how units assisted by the Fund would  
7 remain in occupancy by low or moderate income households. If the  
8 application is for a loan program or co-ownership or equity  
9 partnership program, the application shall specify the  
10 eligibility standards, the maximum amount of any loans to be  
11 made, the terms and conditions of any loans or equity partnership  
12 agreements, and all other requirements necessary to make the  
13 proposed program conform to the purposes of this section.

14 Applications shall be reviewed by the Loan and Grant Committee,  
15 whose decisions on such applications shall be final. Monies may  
16 be disbursed from the Fund only on the recommendation of the Loan  
17 and Grant Committee.

18 5. Reporting on Program Status

19 The Real Estate Department shall report quarterly to the  
20 Board of Supervisors on the current status of the Fund, the  
21 amounts approved for disbursement, the number and types of  
22 projects assisted, and shall make recommendations for any changes  
23 deemed necessary to improve the effectiveness of the Fund in  
24 achieving its purpose.

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1 ARTICLE 7

2 FINAL MAPS AND PARCEL MAPS

3 Sec. 1357. Certificates on Final Map.

4 Sec. 1359. Parcel Map.

5 SEC. 1357. Certificates on Final Map.

6 (a) In addition to the certificates required by SMA, the  
7 following certificates shall be on the Final Map:

- 8 1. City Attorney's Certificate;  
9 2. Advisory Agency's Certificate; and  
10 3. A Certificate of Agreement. Whenever the  
11 conditional approval of the Application Packet includes  
12 conditions which are to be met after the recordation of  
13 the Final Map, a Certificate signed by the subdivider  
14 agreeing to perform said conditions, which are listed  
15 on the Certificate, shall be required.

16 SEC. 1359. Parcel Map.

17 (a) The requirements of subsection (c) of Section 1356 of  
18 this Code shall apply to Parcel Maps.

19 (b) The Parcel Map shall conform to the requirements of  
20 Chapter 2, Article 3 of the SMA and to the Subdivision Regula-  
21 tions regarding detailed format and contents.

22 (c) In the case of conversions where a Tentative Map is not  
23 required, the requirements of Article 9 on the conversions shall  
24 apply, provided that public hearings as provided in Section 1332  
25 shall not be required, and the ten percent (10%) low and moderate  
26 income occupancy as provided in Section 1341 shall not be

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1 required, and provided further that the article shall not be  
2 applied to two unit buildings where both units are owner  
3 occupied. The Director of Planning, however, shall make the  
4 determination pursuant to Section 1385 concerning preservation of  
5 low and moderate income housing.

6 Section 2. Part II, Chapter XIII of the San Francisco Muni-  
7 cipal Code (Suodivision Code) is hereby amended by repealing  
8 Article 9, Sections 1380, 1381, 1382, 1383, 1384, and 1385.

9 Section 3. Part II, Chapter XIII of the San Francisco Muni-  
10 cipal Code (Subdivision Code) is hereby amended by adding  
11 Article 9 to read as follows:

12 ARTICLE 9  
13 CONVERSIONS

14 Sec. 1380. General.

15 Sec. 1381. Additions to Application Packet.

16 Sec. 1382. Exceptions from Application Packet.

17 Sec. 1383. Conformity of Housing, Building and Planning Codes.

18 Sec. 1384. Procedural Additions.

19 Sec. 1385. Preservation of Low and Moderate Income Housing.

20 Sec. 1386. Denial of Tentative Map.

21 Sec. 1387. Right of Tenants to Contract for the Purchase of Unit.

22 Sec. 1388. Tenant Intent to Purchase.

23 Sec. 1389. Temporary Relocation of Tenants.

24 Sec. 1390. Rent Increase Limitation.

25 Sec. 1391. Vacation of Units; Statutory Notice of Eviction

26 Required; Extension of Leases for Elderly Tenants.

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1 Sec. 1392. Subdivider to Provide Moving Expenses.  
2 Sec. 1393. Subdivider to Provide Relocation Assistance.  
3 Sec. 1394. Time Limits for Re-Application.  
4 Sec. 1395. Time Limits for Sale.  
5 Sec. 1396. Annual Limitation on Conversion.

6 SEC. 1380. General. The Sections of this Article 9 modify  
7 the applicable provisions of Article 3 through 8, inclusive, of  
8 this Code in the case of Conversions.

9 SEC. 1381. Additions to Application Packet.

10 (a) Application Packets for Conversions shall contain the  
11 following information in addition to that required by previous  
12 provisions of this Code:

- 13 1. A building history detailing the date of  
14 construction, major uses since construction, major  
15 repairs since construction, current ownership of  
16 buildings and underlying land, and the proposed  
17 ownership upon Conversion; and
- 18 2. A report of residential record ("3-R Report"),  
19 obtained from the Bureau of Building Inspection;
- 20 3. A rental history detailing for each unit the size  
21 in square feet, the number of bedrooms, the current or  
22 last rental rate, the monthly rental rate for the  
23 preceding five (5) years, the monthly vacancy over the  
24 preceding three (3) years, and the names of the current  
25 tenant or tenants for each unit, including the names of  
26 all tenants aged sixty-two (62) or older or permanently

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1 disabled who have resided in the building over the past  
2 three (3) years to the extent that such information is  
3 known or can be made known to the subdivider.

4 4. A building condition and sales program report  
5 including:

6 (a) A building inspector's report made by either  
7 the Bureau of Building Inspection or a certified  
8 engineer or architect acceptable to the Bureau of  
9 Building Inspection; with said report to contain  
10 any Housing Code violations and incipient or  
11 potential deficiencies including electrical,  
12 plumbing and boiler requirements; where a  
13 building to be converted to condominiums is two  
14 (2) years old or less, a Certificate of  
15 Completion issued by the Bureau of Building  
16 Inspection may be accepted in lieu of a building  
17 inspector's report;

18 (b) A statement of repairs and improvements and  
19 projected cost of same the subdivider plans to  
20 make before conveyance of the units by the  
21 subdivider;

22 (c) A list of the proposed sales prices for each  
23 unit including an indication as to whether the  
24 unit will be sold in fee simple or a leasehold  
25 interest, the estimated condominium association  
26 dues, the rentals if a leasehold interest is

1 proposed, and a statement of the proposed sales  
2 program, particularly plans to promote  
3 affirmative action in housing; this information  
4 to be used to assure compliance with the  
5 requirements of this code and SMA. The sales  
6 prices listed for each unit shall remain in  
7 effect and shall not be increased by the  
8 subdivider until the unit is sold to the tenant  
9 or until the tenant has waived his or her right  
10 of first refusal and the unit is made available  
11 to the general public, provided that the sales  
12 price may be increased by the following amounts:  
13 (1) the percentage increase in the Housing  
14 Component of the "Bay Area Consumer Price Index,  
15 U. S. Dept. of Labor," above the price index  
16 in existence as of the date the application is  
17 filed; and (2) the pro rata actual cost of any  
18 repairs or improvements made by the applicant in  
19 addition to those set forth in the application,  
20 pursuant to section 1381(a)(4)(b). During this  
21 period of time, any reduction in price of any one  
22 unit from the price level indicated on the state-  
23 ment shall not be made without comparable reduc-  
24 tions to the prices of all other units.  
25 (d) A summary of tenant contacts including all  
26 meetings held with tenants and all information





1 provided to them about the project and their own  
2 options; a list of all tenants who have expressed  
3 a desire to buy their own units; proposed methods  
4 of dealing with those tenants who do not plan to  
5 buy, especially those aged sixty-two (62) or  
6 older, the permanently disabled and families with  
7 children; and any proposed program for relocation  
8 services;

9 5. The survey information obtained pursuant to Section  
10 1388 of this Code and as further required in the Subdi-  
11 vision Regulations.

12 6. Notice to tenants:

13 (a) Within five (5) days of filing an applica-  
14 tion with the Department of Public Works for  
15 condominium conversion subdivision, the  
16 subdivider shall give written notice concerning  
17 the proposed conversion to all lessees and  
18 tenants. If five or more units are involved,  
19 said notice shall advise all lessees and tenants  
20 that a public hearing concerning the application  
21 for conversion will be held and that notice of  
22 said hearing will be given to all lessees and  
23 tenants by the City Planning Commission. Said  
24 notice shall contain all the information as  
25 required in subsections 4 and 8 of this section.  
26 Said notice shall also contain a description of

1 the rights of tenants as herein provided, includ-  
2 ing the right of first refusal to purchase the  
3 unit, the right to attend and be heard at the  
4 public hearing, the right to receive relocation  
5 assistance and benefits, the right of all tenants  
6 to extend occupancy for a period of from one to  
7 three years depending upon length of prior  
8 occupancy, the right of elderly and disabled  
9 tenants to a lifetime lease, and the prohibition  
10 against rent increases during the process of  
11 conversion.

12 (b) Notice of the proposed conversion must be  
13 given to all persons or parties who lease or  
14 reside in any units which are proposed for  
15 conversion subsequent to approval of the  
16 application for conversion.

17 (c) The application packet for conversion shall  
18 include a statement that such notice has been  
19 given, and will continue to be given to any  
20 lessees or tenants subsequent to the submission  
21 of the application packet for conversion.

22 7. A copy of the purchase agreement to be used for the  
23 project.

24 8. Copies of all management documents submitted to the  
25 California State Department of Real Estate.

26 (b) When neither new buildings nor major additions to



1 existing facilities are indicated in the Tentative Map, a State-  
2 ment of Known Soil and Geologic Conditions may be substituted for  
3 the required Soil and Geologic Reconnaissance Report. Said  
4 Statement shall be prepared by the engineer or surveyor who  
5 prepares the Tentative Map and shall contain the following  
6 information as taken from the latest U.S. Geologic Maps:

- 7 1. Soil Deposits;
- 8 2. Rock Formations;
- 9 3. Faults;
- 10 4. Ground Water; and
- 11 5. Landslides.

12 SEC. 1382. Exceptions From Application Packet.

13 (a) Application Packets for Conversions shall have deleted  
14 the following information required by provisions of this Code:

- 15 1. Except as otherwise required by other Sections of  
16 this Article 9, the statements required by Section  
17 1323(a), paragraphs 1, 2, and 3, shall be deleted.
- 18 2. The environmental evaluation data required by  
19 Section 1323(b).

20 SEC. 1383. Conformity of Housing, Building and Planning  
21 Codes. As a condition of Final Map approval, the subdivider must  
22 demonstrate that all applicable provisions of the City's Housing,  
23 Building and City Planning Codes have been met and that all vio-  
24 lations of such codes have been satisfactorily corrected or, upon  
25 the approval of the Director, and prior to Recordation of the  
26 Final Map or Parcel Map, funds have been adequately escrowed or

1 bonded to assure completion of such corrective work prior to the  
2 closing of escrow of any unit in the project.

3 SEC. 1384. Procedural Additions.

4 (a) In addition to the notice of Public Hearing required by  
5 Section 1313, notice of any Public Hearing by the Director shall  
6 be sent to each tenant of the property proposed for Conversion in  
7 accordance with the provisions of Section 1313. The cost of such  
8 notice shall be borne by the subdivider.

9 (b) In addition to the requirements of Section 1331 of this  
10 Code regarding the Advisory Agency's Report, the Subdivider,  
11 subject to review by the Director shall mail a notice to each  
12 tenant which shall inform the tenant of the following:

- 13 1. The Director's decision, along with a statement of  
14 any conditions which may have been incorporated in a  
15 conditional approval of a Tentative Map;
- 16 2. The right of tenants to appeal the Director's  
17 decision; and
- 18 3. The availability for examination of a copy of the  
19 Advisory Agency's Report at the Director's office.  
20 The cost of such notice shall be borne by the  
21 subdivider.

22 (c) Section 1333 of this Code is modified to provide for an  
23 appeal by the tenants of any project to be converted, from the  
24 final action by the Director of any application for Conversion.  
25 Any such appeal shall be taken by filing a written notice of  
26 appeal, subscribed by at least twenty percent (20%) of said



tenants, with the Clerk within fifteen (15) days after the Director's action. The Board shall hear and act upon the appeal in accordance with SMA and this Code.

SEC. 1385. Preservation of Low and Moderate Income Housing. The City Planning Commission shall determine whether any units to be converted are part of the City's low or moderate income housing stocks. If the Commission determines that any unit to be converted is part of the City's low or moderate income housing stocks, then the price of the unit upon conversion shall not be such as to remove it effectively from said low or moderate income housing stocks and shall be no greater than two and one half (2.5) times the highest income level for low and moderate income households as defined in Section 1309(e) and (f), and as adjusted for household size according to the size of the dwelling, as set forth in Section 1309(l) and (m). The resulting sales prices established pursuant to this formula may be increased consistent with any increases in the housing component of the "Bay Area Cost of Living Index, U. S. Dept. of Labor," during the period between the most recent establishment of the above highest income levels and the date of commencement of sales. If the tenant does not exercise the contract right to purchase the unit which has been determined to be part of the low or moderate income housing stock, then the unit shall be made available exclusively for purchase by qualified households of low or moderate income on a first-come, first-served basis for a period of not less than twelve (12) months from the date of recordation

of the Parcel Map or Final Map at a price no greater than that allowed under the low and moderate income price guidelines set forth above. Priority, however, shall be given to low or moderate income households who can demonstrate that they had previously relocated from a dwelling in a building which had been approved for condominium conversion. The reconveyance of any unit purchased pursuant to the price restriction formula of this section shall be subject to the resale restrictions as set forth in Section 1341(b). In cases where no low or moderate income household has purchased or contracted to purchase such unit within this twelve (12) month period, after good faith efforts by the subdivider, the subdivider may offer the unit to the general public with no price limitation.

SEC. 1386. Denial of Tentative Map.

When the City Planning Commission determines that vacancies in the project have been increased, or elderly or permanently disabled tenants displaced or discriminated against in leasing units, or evictions have occurred for the purpose of preparing the building for conversion, or if rents in the project over the previous eighteen (18) months preceeding the date of filing the application have been increased substantially greater than any increase in the residential rent component of the "Bay Area Cost of Living Index, U. S. Dept. of Labor," (except for increases reasonably related to construction of code required capital improvements directly related to code enforcement, or to recoup the costs thereof), the Tentative Map shall be disapproved and





1 the subdivider may not reapply for eighteen (18) months from date  
2 of denial. In evaluation of the current vacancy level under this  
3 subsection, the increase in rental rates for each unit over the  
4 preceding five years and the average monthly vacancy rate for the  
5 project over the preceding three years shall be considered. In  
6 the evaluation of the displacement of elderly tenants any such  
7 displacements over the preceding three years, and the reasons  
8 therefore, shall be considered.

9 SEC. 1387. Right of Tenants to Contract for the Purchase  
10 of Unit.

11 (a) The present tenant or tenants at the date of filing of  
12 the application for a Tentative Map of any unit to be converted  
13 or, in the event of a voluntary vacation, or eviction for cause,  
14 the tenant or tenants in occupancy at the date of issuance of the  
15 State Department of Real Estate's Final Subdivision Public Report  
16 shall be given a non-transferable contract right to purchase the  
17 unit occupied at a price no greater than the price offered to the  
18 general public.

19 (b) The right of contract for purchase of the unit shall  
20 extend for sixty (60) days from the date the unit is initially  
21 offered to the tenant in writing by the subdivider. The period  
22 of acceptance of the offer may be extended if such an agreement  
23 is executed in writing by the subdivider and tenant, provided  
24 that the tenant may cancel the purchase agreement if the unit is  
25 not conveyed to that tenant within six (6) months of the agree-  
26 ment to purchase.

1 (c) The offer of sale may not be extended by the subdivider  
2 to the tenant until the recordation of the Final Map or Parcel  
3 Map, and until the issuance of the State Department of Real  
4 Estate's Final Subdivision Public Report.

5 SEC. 1388. Tenant Intent to Purchase. No application for  
6 conversion shall be approved unless there are substantial numbers  
7 of tenants who have indicated their intent to purchase their  
8 rental unit. This intent shall be evidenced by the submittal in  
9 writing by no less than forty percent (40%) of the tenants of  
10 intent to purchase forms, as provided by the Department of Public  
11 Works. In obtaining or soliciting intent to purchase forms from  
12 tenants, subdividers shall comply with any restrictions set forth  
13 in the California Business and Professions Code and Regulations  
14 of the Real Estate Commissioner. In calculating the total number  
15 of units necessary to satisfy this provision, there shall be  
16 included in the forty percent (40%) requirement any units in  
17 which the occupant qualified for and has expressed an intent to  
18 obtain a renewable lifetime lease pursuant to Section 1391(c).

19 Any tenant intent to purchase forms obtained by way of an  
20 inducement of the subdivider to provide benefits to that tenant  
21 beyond those established by this Code shall be so identified and  
22 the specific representations of the subdivider shall be set forth  
23 in detail. All such intent to purchase forms shall become a  
24 matter of public record and the subdivider shall be required to  
25 comply with his or her representations as conditions of approval.

26 The intent to purchase forms, once signed by a tenant, shall



1 be irrevocable by said tenant, for purposes of compliance with  
2 this section, provided, however, that the Director shall  
3 invalidate any such form upon a determination that the subdivider  
4 has used coercion, fraud, duress, misrepresentation or threat in  
5 connection with obtaining or soliciting such form.

6 SEC. 1389. Temporary Relocation of Tenants. If temporary  
7 relocation of any tenant is necessary for renovation of a unit  
8 between the date of submission of the Tentative Map and the date  
9 established for permanent relocation, then the subdivider shall  
10 find equivalent substitute housing for that tenant for the period  
11 of renovation, and shall pay to that tenant any additional cost  
12 of the substitute housing. Any tenant temporarily relocated  
13 shall have the right to return to his or her former unit until  
14 the expiration of all rights granted to such tenant as provided  
15 in this code.

16 SEC. 1390. Rent Increase Limitation. The rent to tenants  
17 at the time of filing the application for conversion shall not be  
18 increased for the period between the filing of the application  
19 until relocation takes place or until the subdivision is denied  
20 or withdrawn, except that such period shall not exceed two  
21 years. At the end of such period, and for a one (1) year period  
22 thereafter, any increase in rent shall not exceed the  
23 proportionate increase in the residential rent component of the  
24 "Bay Area Cost of Living Index, U. S. Dept. of Labor," over that  
25 period of time, provided, that the rental increase provisions of  
26 this section shall be operative only in the absence of other rent

1 increase or arbitration laws. In cases of hardship due to  
2 unusual circumstances to the subdivider, or in cases where a rent  
3 increase authorized herein is considered by the tenant to be not  
4 consistent with increases in the residential rent component of  
5 the "Bay Area Cost of Living Index, U. S. Dept. of Labor," either  
6 a subdivider or a tenant may request relief under this section  
7 from the Director of Public Works or his or her designee. In  
8 considering the reasonableness of a rent increase, the Director  
9 shall consider the current rent paid for comparable units in  
10 comparable areas.

11 SEC. 1391. Vacation of Units; Statutory Notice of Eviction  
12 Required; Extension of Leases for Elderly Tenants.

13 (a) Except for tenants availing themselves of the lease  
14 option set forth below, each non-purchasing tenant shall be given  
15 one hundred twenty (120) days from the date of receipt of notifi-  
16 cation from the subdivider of the intent to convert (as required  
17 in California Government Code Section 60427.1) to find substitute  
18 housing and to relocate. The subdivider shall not transmit such  
19 notice, however, prior to recordation of the Final Map or Parcel  
20 Map. If any tenant has a lease to occupy a unit in which the  
21 term of said lease extends longer than the one hundred twenty  
22 (120) day period provided herein, such tenant shall not be  
23 evicted except for cause until the expiration of such lease.

24 Each non-purchasing tenant shall be given the option of  
25 entering into or renewing a lease agreement to occupy said  
26 tenant's dwelling unit for a period of up to one year following



1 the date of approval of the Final Map; the rental charge and  
2 rights and obligations of the parties during said period shall be  
3 in accordance with subsection (c) of this section.

4 (b) Upon expiration of all such time requirements and upon  
5 satisfaction of any conditions required for conformity with the  
6 Master Plan, including the recordation of the Final Map or Parcel  
7 Map, the tenant shall also be entitled to the statutory period  
8 for notice of eviction as provided in California Civil Code  
9 Section 1946.

10 This provision shall not affect the requirement that a  
11 tenant receive relocation services and reimbursement for moving  
12 expenses provided that the tenant request and be eligible for  
13 said services as provided in Section 1392 and Section 1393, and  
14 provided that the time for relocation assistance not extend  
15 beyond the 120 day period of the notice of intent to convert or  
16 any lease extension as required in subsection (a) of this section.

17 (c) No subdivider or subsequent condominium unit owner  
18 shall refuse to renew a lease or extend a rental agreement to any  
19 non-purchasing tenant aged sixty-two (62) or older at the time of  
20 Recordation of the Final Map or Parcel Map, or any tenant perma-  
21 nently disabled. Any extended leases or rental agreements made  
22 pursuant hereto shall expire only upon the death or demise of  
23 such tenant or the last surviving member of the tenant's house-  
24 hold, provided such surviving member is related to the tenant by  
25 blood or marriage and is aged sixty-two (62) or older at the time  
26 of death or demise of such tenant, or at such time as the tenant

1 voluntarily vacates the unit after giving due notice of such  
2 intent to vacate. Each lease shall contain a provision allowing  
3 the tenant to terminate the lease and vacate the unit upon 30  
4 days notice. Rent charged during the term of any extended lease  
5 or rental agreement pursuant to the provisions of this section  
6 shall not exceed the rent charged at the time of filing of the  
7 application for conversion, plus any increases proportionate to  
8 the increases in the residential rent component of the "Bay Area  
9 Cost of Living Index, U. S. Dept. of Labor," provided that the  
10 rental increase provisions of this section shall be operative  
11 only in the absence of other applicable rent increase or  
12 arbitration laws. This section shall not alter or abridge the  
13 rights or obligations of the parties in performance of their  
14 covenants, including but not limited to the provision of  
15 services, payment of rent or the obligations imposed by Sections  
16 1941, 1941.1 and 1941.2 of the California Civil Code. There  
17 shall be no decrease in dwelling unit maintenance or other  
18 services historically provided to such units and such tenants.

19 SEC. 1392. Subdivider to Provide Moving Expenses.

20 (a) The subdivider shall bear the cost of moving expenses  
21 of any tenant who relocates from the building to be converted.  
22 The tenant, at his or her option, shall be reimbursed either for  
23 the actual moving expenses up to a maximum of one thousand  
24 dollars (\$1,000), or for the fixed amount allowed by the moving  
25 expense schedule of the Central Relocation Services agency. In  
26 the event the unit is occupied by a sub-tenant under an agreement





1 with the tenant, the moving expense reimbursement herein provided  
2 shall be shared proportionately by both parties in relation to  
3 the actual costs of moving the property of each party.

4 (b) Availability for such assistance shall be limited to  
5 the 120 day period or the period of any lease extension as  
6 provided in Section 1391(a) unless a contrary agreement is  
7 reached by the subdivider and tenant; provided that tenants aged  
8 sixty-two (62) years or older, or permanently disabled whose  
9 tenancy is extended pursuant to Section 1391(c), would be eligi-  
10 ble for such assistance at such time that such tenant elects to  
11 voluntarily vacate the unit and gives due notice therefor.

12 (c) Those parties who lease a unit subsequent to the date  
13 of filing the application for conversion shall not be eligible to  
14 receive assistance provided in this section unless such an agree-  
15 ment is made between the subdivider and prospective tenant.

16 SEC. 1393. Subdivider to Provide Relocation Assistance.

17 (a) Any tenant who requests assistance in finding  
18 relocation housing shall be referred to the Central Relocations  
19 Services agency of the City and County of San Francisco, or, with  
20 the mutual consent of the tenant and subdivider, such assistance  
21 may be provided by the subdivider or a real estate brokerage firm  
22 selected by the subdivider. The subdivider shall bear any costs  
23 to the tenant of such assistance in finding relocation housing.

24 (b) Availability for such assistance shall be limited to  
25 the expiration of the 120 day period or the period of any lease  
26 as provided in Section 1391(a) and (c), unless a contrary

1 agreement is reached by the subdivider and tenant.

2 (c) Those parties who lease a unit subsequent to the date  
3 of filing the application for conversion shall not be eligible to  
4 receive assistance provided in this section unless such an agree-  
5 ment is made between the subdivider and prospective tenant.

6 SEC. 1394. Time Limits For Re-Application.

7 (a) In the event an application for condominium conversion  
8 subdivision is withdrawn by the applicant, said application may  
9 not be re-submitted for six months from the date of withdrawal.

10 (b) In the event an application for condominium conversion  
11 subdivision is denied, or a Tentative Map is disapproved, the  
12 applicant therefor may not submit a new application for the same  
13 building for one (1) year from the date of such denial, except  
14 that this period may be extended pursuant to the provisions of  
15 Section 1386.

16 SEC. 1395. Time Limits for Sale.

17 All units approved for conversion shall be offered for sale  
18 to the tenants within one year of the issuance of the State  
19 Department of Real Estate's Final Subdivision Public Report.

20 SEC. 1396. Annual Limitation on Conversion.

21 Applications for conversion shall not be accepted by the  
22 Department of Public Works during any calendar year when tenta-  
23 tive maps for the conversion of 1000 units have been accepted for  
24 filing during that year, provided however, that the Department of  
25 Public Works shall receive applications, for the purpose of  
26 establishing a priority list for action during the next calendar



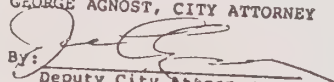
1 year or for action after all previously accepted applications  
2 have been acted upon and less than 1000 units had been approved  
3 for conversion. The Board of Supervisors shall review this  
4 section within one year from the date of approval of this  
5 ordinance.

6 Section 4. Emergency Provision. This ordinance is hereby  
7 enacted as an emergency ordinance pursuant to Charter Sections  
8 2.300 and 2.301. The basis for said emergency is as follows:

9 "An increase in condominium conversions coupled with a low  
10 vacancy factor and increasing rents has precipitated a rental  
11 housing crisis in San Francisco. The number of condominium  
12 conversion applications has greatly increased during the last  
13 twelve months, straining the ability of the Department of Public  
14 Works, City Planning Department and the Board of Supervisors to  
15 process applications within the time limitations established by  
16 the State Subdivision Map Act. In anticipation of the enactment  
17 of this ordinance, applications continue to be filed at an  
18 increasing rate. Because of the large number of pending  
19 applications, the City and County may be prevented from properly  
20 reviewing those applications within the required time  
21 limitations, resulting in the automatic approval of such  
22 applications, thus creating an actual emergency."

23 APPROVED AS TO FORM:

24 GEORGE AGNOST, CITY ATTORNEY

25 By:   
26 Deputy City Attorney

BOARD OF SUPERVISORS

Page 37

Passed as an emergency measure—Board of Supervisors, San Francisco, JUL 2 1979  
Ayes: Supervisors ~~Beth~~, Dolson, ~~Samuel~~ Horanzy, Hutch, Kopp, Lau, Molinari, Pelosi, Renne, Silver.

~~Three Supervisors~~  
Absent: Supervisors ~~BETH~~ ~~SONALES~~

I hereby certify that the foregoing ordinance was passed by the  
Board of Supervisors of the City and County of San Francisco.

  
Clerk

  
Mayor

152-77-1  
File No.

JUL 06 1979  
Approved



1 AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE  
 2 (SUBDIVISION CODE) BY AMENDING SECTION 1315 THEREOF TO ADJUST THE  
 3 AMOUNT OF FEES TO BE PAID FOR PROCESSING SUBDIVISION MAP, PARCEL MAP  
 4 AND PARCEL MAP WAIVER.

5  
 6 SEC. 1315. Fees.

7 (a) Fees, payable to the Department of Public Works, shall be  
 8 charged for checking and processing the maps, plans and reports,  
 9 including all condominium maps, filed under this Code. Said fees  
 10 shall consist of an initial payment in accordance with the estimated  
 11 actual cost of checking the maps, plans and reports, together with  
 12 investigations incidental thereto, and shall be paid at the time of  
 13 filing a Tentative Map. Where initial payment is insufficient to  
 14 compensate the actual cost incurred, additional sum shall be charged  
 15 to equal such actual cost. For Parcel Maps, excepting condominium  
 16 maps, which do not require the filing of a tentative map, and which  
 17 do not involve street dedications or improvements, a flat fee of two  
 18 hundred dollars (\$200.00) shall be charged for checking and processing.  
 19 A fee of fifty dollars (\$50.00) shall be charged for processing a  
 20 Parcel Map waiver. All such fees shall be paid at the time of filing.  
 21 (b) Payment of Fees charged under this Code does not waive the  
 22 fee requirements of other ordinances and rules and regulations pursu-  
 23 ant thereto.

24 (c) There is hereby created a Subdivision Fund wherein all funds  
 25  
 26  
 27  
 28  
 29  
 30

BOARD OF SUPERVISORS

1 received under the provisions of this Section shall be deposited. All  
 2 expenditures from the Fund shall be for engineering or technical  
 3 investigations and equipment directly related to the checking and  
 4 processing of the maps, plans, reports and parcel map waivers filed  
 5 under this Code, and all such expenditures are hereby appropriated  
 6 for said purposes.  
 7  
 8

9 RECOMMENDED:

10 John Carroll  
 11 City Engineer

12 Jeffrey Hel  
 13 Director of Public Works

APPROVED AS TO FORM  
 GEORGE AGNOST, CITY ATTORNEY

By Thomas A. Darnell  
 Deputy City Attorney

Kevin R. Smith  
 Chief Administrative Officer

Passed for Second Reading  
 Board of Supervisors, San Francisco

APR 7 1980

Ayes: Supervisors Bards, Britt, Horanzy, Hutch,  
 Kopp, Lawson, Molinari, Renne, Silver, Walker,  
 Ward.

~~Noes: Supervisors~~

~~Absent: Supervisors~~

John Brennan Clerk

Read Second Time and Finally Passed  
 Board of Supervisors, San Francisco

APR 11 1980

Ayes: Supervisors Bards, Britt, ~~Horanzy~~, Hutch,  
 Kopp, Lawson, ~~Molinari~~, Renne, Silver, Walker,  
 Ward.

~~Noes: Supervisors~~

Absent: Supervisors. HORANZY KOPP MOLINARI

I hereby certify that the foregoing ordinance was  
 finally passed by the Board of Supervisors of the  
 City and County of San Francisco.

John Brennan Clerk

74-80-2

APR 16 1980





1 AMENDING CHAPTER XIII OF PART II OF THE SAN FRANCISCO MUNICIPAL CODE  
2 (SUBDIVISION CODE) BY AMENDING SECTION 1315 THEREOF TO ADJUST THE  
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30

BOARD OF SUPERVISORS

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2 expenditures from the Fund shall be for engineering or technical  
3 investigations and equipment directly related to the checking and  
4 processing of the maps, plans, reports and parcel map waivers filed  
5 under this Code, and all such expenditures are hereby appropriated  
6 for said purposes.

7  
8  
9 RECOMMENDED:

APPROVED AS TO FORM  
GEORGE AGNOST, CITY ATTORNEY

10  
11 Joseph Carroll  
12 City Engineer

By Thomas A. Darnell  
Deputy City Attorney

13  
14 Jeffrey H. H.  
15 Director of Public Works

16  
17 K. R. Smith  
18 Chief Administrative Officer

Passed for Second Reading  
Board of Supervisors, San Francisco

APR 7 1980

Ayes: Supervisors Bardis, Britt, Horanzy, Hutch,  
Kopp, Lawson, Molinari, Renne, Silver, Walker,  
Ward.

~~Noes: Supervisors~~

~~Absent: Supervisors~~

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

APR 11 1980

Ayes: Supervisors Bardis, Britt, ~~Horanzy~~, Hutch,  
Kopp, Lawson, ~~Molinari~~, Renne, Silver, Walker,  
Ward.

~~Noes: Supervisors~~

Absent: Supervisors HORANZY KOPP MOLINARI

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

Clerk

Clerk

94-80-2

APR 18 1980



8201550  
FILE NO. 420-80-1

As severed in Committee 1/20/81  
As amended in Board 2/2/81

ORDINANCE NO. 86-81

AMENDING PART II, CHAPTER XIII (SUBDIVISION CODE), SAN FRANCISCO MUNICIPAL CODE BY AMENDING ARTICLE 1 SECTION 1304 CONCERNING ENFORCEMENT; ARTICLE 4 SECTION 1332 CONCERNING REQUIREMENTS FOR PUBLIC HEARINGS BY THE DEPARTMENT OF CITY PLANNING; ARTICLE 5 SECTION 1341 CONCERNING THE APPLICATION OF SECTION 1341 TO CONDOMINIUM AND COOPERATIVE CONVERSIONS; ARTICLE 9 SECTIONS 1386 AND 1396 CONCERNING DENIAL OF TENTATIVE MAPS AND ANNUAL LIMITATION ON CONVERSIONS; AND BY ADDING ARTICLE 10 CONCERNING CONSISTENCY WITH STATE LAW.

Note: Additions are underlined and deletions are enclosed in [brackets].

Be it ordained by the People of the City and County of San Francisco: Section 1. Part 11, Chapter XIII of the San Francisco Municipal Code (Subdivision Code) is hereby amended by amending Article 1, Section 1304; by amending Article 4, Section 1332; by amending Article 5, Section 1341; by amending Article 9, Sections 1386 and 1396; and by adding Article 10, Section 1398 to read as follows:

SFC. 1304. Enforcement

(a) It is unlawful for any person, firm, corporation, partnership or association to offer to sell or lease, contract to sell or lease, or sell or lease any subdivision or any part thereof until a Final Map or a Parcel Map thereof, in full compliance with the provisions of this Code and SMA, has been duly recorded in the office of the Recorder.

(b) All departments, officials and public employees of the City, vested with the duty or authority to approve or issue permits, shall conform to the provisions of this Code and shall neither approve nor issue any permit or license for use, construction, or purpose in conflict with the provisions of this Code. Any such permit or license

issued in conflict with the provisions of this Code shall be null and void.

(c) Any subdivider, agent of a subdivider, successor in interest of a subdivider, tenant, purchaser, builder, contractor or other person who violates any of the provisions of this Code or any conditions imposed pursuant to this Code, or who knowingly submits incorrect information to endeavour to mislead or misdirect efforts of agencies of the City and County of San Francisco in the administration of this Code, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding [Five Hundred] Two Thousand Dollars [(\$500)] (\$2,000) or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such hereunder. ~~Any person who violates any of the provisions of this Code or any conditions imposed pursuant to this Code, or who knowingly submits incorrect information to endeavour to mislead or misdirect efforts of agencies of the City and County of San Francisco in the administration of this Code, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Five Hundred Dollars (\$500) or be imprisoned for a period not exceeding six (6) months or be both so fined and imprisoned.~~

(d) The Director of Public Works shall have the authority to enforce this Code against violations thereof by any of the following actions:

1. The Director may serve notice requiring the cessation or correction of any action in violation of this Code upon the subdivider, agent of the subdivider, successor in interest of the subdivider, tenant, purchaser, builder, contractor or other person who commits or assists in such violation;
2. The Director may call upon the City Attorney to maintain an action for injunction to restrain or abatement to cause the correction of any such violation; and
3. The Director may call upon the District Attorney to institute criminal proceedings in enforcement of this Code against any such violation.



1 (e) The current or former tenant or tenants of the property  
2 proposed for conversion may institute a civil proceeding for  
3 injunctive relief, money damages of not less than three times actual  
4 damages, and whatever other relief the court deems appropriate. The  
5 prevailing party shall be entitled to reasonable attorney's fees and  
6 costs pursuant to order of the Court. The remedy available under this  
7 section shall be in addition to any other existing remedies which  
8 may be available to the tenant or tenants.

9 SEC. 1332. Consistency with Master Plan.

10 (a) Whenever a property is to be subdivided, the Department of  
11 City Planning [Commission shall hold a public hearing] shall report on  
12 the question of consistency of the subdivision with the Master Plan.  
13 [except for condominiums other than conversions, where the property to  
14 be subdivided will be divided into fewer than fifty (50) units; a  
15 public hearing shall be held] The City Planning Commission shall hold  
16 a public hearing in [such cases,] the case of conversions of five (5)  
17 or more units which include residential units. [however, upon request  
18 by one or more owners of contiguous property within ten (10) days  
19 following the mailing of notice to those owners of the filing of an  
20 application for a condominium subdivision or upon a determination of  
21 the Department of City Planning that a public hearing is warranted on  
22 the question of consistency of the subdivision with the Master Plan.  
23 Notice of such hearing shall be given pursuant to Section 1313.]

24 (b) The Director shall disapprove the proposed subdivision when  
25 the Department of City Planning finds that the proposed subdivision is  
26 not consistent with the Master Plan.

27 (c) When the Department of City Planning finds that a proposed  
28 subdivision will be consistent with the Master Plan only upon  
29 compliance with certain conditions, the Director shall incorporate

1 said conditions in his or her conditional approval of the proposed  
2 subdivision.

3 SEC. 1341. Low and Moderate Income Occupancy.

4 (a) In all subdivisions involving fifty (50) or more lots or  
5 units, except for condominium or cooperative conversion subdivisions,  
6 the subdivider shall make available ten percent (10%) of the units for  
7 low and moderate income occupancy provided that the Department of City  
8 Planning [Commission] finds that governmental subsidies for such  
9 occupancy are available to the subdivider. This requirement shall not  
10 limit the authority of the City otherwise to encourage the provision  
11 of low and moderate income housing, or of the subdivider to make  
12 available additional low and moderate income housing.

13 (b) In all condominium or cooperative conversion subdivisions  
14 with five (5) or more lots or units, the subdivider shall make  
15 available ten percent (10%) of the lots or units for rental or for  
16 purchase by households of low or moderate income. In the event that  
17 the total number of units determined to be within the low or moderate  
18 income housing stocks pursuant to Section 1385 is greater than ten  
19 percent (10%) of the total number of units in the subdivision, such  
20 greater number shall apply.

21 (c) If the converted units are to be made available for  
22 purchase, then the sales prices of such units shall not exceed 2.5  
23 times the annual median income for low or moderate income households,  
24 as defined, and as adjusted for household size according to the  
25 relationship to the size of the dwelling, as set forth in Section  
26 1309. Priority for purchase of these units shall be as set forth in  
27 Section 1385. Any low or moderate income household which purchases a  
28 dwelling pursuant to this Section shall grant a right-of-first refusal  
29 to the City and County of San Francisco, or to such other entity that  
30 at a future time may be [designed] designated by the City and County





of San Francisco, to repurchase the dwelling from the initial purchaser at the original price<sup>plus</sup> the cost of any improvements paid for by the owner, plus an increase proportionate to the increases in the housing component of the "Bay Area Cost of Living Index, U. S. Dept. of Labor", over the intervening time period. The City and County of San Francisco, or designated agency, shall reconvey such unit to other qualified low or moderate income purchaser if the right to purchase is exercised by the City or its designated agent.

(d) If the converted units are to be for rental, then the rent in such units shall not exceed the rent charged at the time of filing the application for conversion, or the maximum rent that would be allowed so as to keep the unit within [the low or] moderate income housing stock, whichever rent level is lower. Once established, rent levels for any units remaining as rental pursuant to this Section may be increased annually consistent with any changes in the residential rent component of the "Bay Area Cost of Living Index, U. S. Dept. of Labor" [; provided that the rental increase provisions of this Section shall be operative only in the absence of other applicable rent increase or arbitration laws]. In cases of hardship to the subdivider, or in cases where a rent increase authorized herein is considered by the tenant to be not consistent with increases in the residential rent component of the Bay Area Cost of Living Index, either a subdivider or a tenant may request relief under this section from the Director or his or her designee. In considering the reasonableness of a rent increase, the Director shall consider whether the rental revenues are sufficient to adequately maintain the building in safe and sound condition, and in conformity with any applicable sections of the San Francisco Housing and Building Codes. The Director may allow rent increases greater than the proportionate increases in the residential rent component of the "Bay Area Cost of

"Living Index, U. S. Department of Labor", in order to allow the building to be maintained in safe and sound condition. The rental increase provisions of this section shall apply only in the absence of other applicable rent increase or arbitration laws.

(e) [Units] Converted units made available for purchase by households of low or moderate income shall remain within the low or moderate income housing stock pursuant to the recapture provision of subsection (c) above. Units made available for rental shall remain as rental units for no less than twenty (20) years, provided, however, that such rental units may be converted to condominiums during such twenty (20) year period if offered for sale according to the sales price formula of subsection (c) above.

(f) As an alternative to the provisions of subsections (b) and (c) above, the subdivider shall make a bona fide agreement, satisfactory to the Department of City Planning, to construct or cause to be constructed within a period commencing eighteen (18) months prior to the date of filing the application for conversion and ending eighteen (18) months after filing of the final or parcel map, or to provide through other means, the same number of units and under the same conditions as would be required for low or moderate income occupancy under the provisions of subsections (b), (and) (c) and (f) above, in areas approved by the Department of City Planning as being non-impacted with assisted housing.

(g) As a further alternative to the provisions of subsections (b), (c), and (f) above, the subdivider shall pay to the City and County of San Francisco an amount equal to ten percent (10%) of the difference between the aggregate total of the proposed market rate sales prices, as indicated on the price list supplied with the application packet, and the aggregate total of the sales prices if the units were to be sold at moderate income<sup>sales</sup> prices, as determined by the



1 AUTHORIZING DIRECTOR OF PROPERTY TO EXERCISE THE RIGHT OF FIRST  
2 REFUSAL OF THE CITY AND COUNTY OF SAN FRANCISCO WITH RESPECT TO  
3 1001-17TH STREET, UNITS 2, 6, AND 14, SUBJECT TO CERTAIN CONDITIONS,  
4 AND TO TRANSFER SAME SUBJECT TO CERTAIN CONDITIONS.

5 Be it ordained by the People of the City and County of San  
6 Francisco:

7 Section 1. The Director of Property is hereby authorized  
8 empowered, and designated as agent for the City and County of San  
9 Francisco for the purpose of exercising the right-of-first refusal of  
10 the City and County of San Francisco with respect to those low and  
11 moderate income household dwelling units commonly known as 3321-17th  
12 Street, Units 2, 6, 14 respectively, and to acquire same, pursuant to  
13 provisions of the San Francisco Subdivision Code Section 1341(c) and  
14 (e); provided, however, that the Director of Property shall not  
15 exercise said right with respect to each unit unless and until the  
16 Director of Property has found, qualified, and committed an eligible  
17 purchaser for said unit, pursuant to the provisions of the San  
18 Francisco Subdivision Code, Section 1341(c), to purchase said unit.  
19 The Director of Property is hereby authorized, empowered, designated,  
20 and directed to convey and transfer each unit which the Director has  
21 acquired pursuant to the authority, power, and designation granted  
22 herein to the aforesaid eligible purchaser subject to the following  
23 conditions: (1) the acquisition and transfer of said unit shall be  
24 simultaneous; (2) the entire transaction shall take place in the form  
25 of a three party escrow; (3) the seller by grant deed shall convey  
26 his, her, their, or its, entire title, right, and interest in said  
27 unit to the City and County of San Francisco and shall deliver said  
28 deed to the escrow agent; (4) the Director of Property shall, on  
29 behalf of the City and County of San Francisco, convey and transfer to  
30 the purchaser by quitclaim deed the entire title, right, and interest

1 in said unit to said purchaser, subject only to the extent, as  
2 hereinafter set forth, and the Director shall deliver said deed to the  
3 escrow agent; (5) the purchaser shall pay to the account of the  
4 seller the full purchase price, herein defined as (a) the original  
5 purchase price paid by the seller plus costs of any improvements paid  
6 for by the seller, plus an increase proportionate to the increase in  
7 the housing component of the "Bay Area Cost of Living Index, U. S.  
8 Dept. of Labor", over the time period intervening between the seller's  
9 original purchase and the transaction herein described, or (b) the  
10 price agreed to by seller, whichever is lower; (6) the purchaser  
11 shall pay to the account of the City and County of San Francisco  
12 Housing Development Fund the sum of two hundred dollars (\$200.00) as a  
13 fee to be applied towards the costs of administration of this  
14 ordinance; (7) the purchaser shall pay all closing costs including,  
15 but not limited to, title insurance premiums and escrow fees, except  
16 that the seller shall pay all real estate agent commissions he, she,  
17 they, or it is otherwise obligated to pay; (8) the purchaser shall  
18 grant an irrevocable right-of-first refusal to the City and County of  
19 San Francisco, or such other entity that a future time maybe  
20 designated by the City and County of San Francisco to repurchase the  
21 dwelling from said purchaser at his, her, their or its purchase price,  
22 plus the costs of any improvement paid for by said purchaser, plus an  
23 increase proportionate to the increases in the housing component of  
24 the "Bay Area Cost of Living Index, U.S. Dept. of Labor", over the  
25 intervening time period, said right-of-first refusal shall extend one  
26 hundred and twenty days (120) following notice to the Director of  
27 Property that said purchaser is offering said unit to the City and  
28 County under the terms of said right-of-first refusal, and said  
29 right-of-first refusal shall be fully transferable, and grant of said  
30 irrevocable transferable right-of-first refusal shall be evidenced by



1 a signed, notarized, recordable document which the purchaser shall  
2 deliver to the escrow agent; (9) upon the successful execution of all  
3 escrow instructions, including the provisions of this ordinance, the  
4 escrow agent shall distribute the sums hereinabove mentioned to the  
5 parties on whose account they are held, and shall record all documents  
6 delivered to it.

7  
8 Approved as to form:

Recommended:

9 GEORGE AGOST  
10 City Attorney

ROGER BOAS  
Chief Administrative Officer

11  
12 By David May  
13 Deputy City Attorney

By Wallace Wortman

14 WALLACE WORTMAN  
15 Director of Property

16 By Wallace Wortman  
17  
18

Passed for Second Reading

Board of Supervisors, San Francisco

FEB 2 1981

Aves. Supervisors Britt, Dolson, Hongisto, Hutch,  
Kopp, Molinari, Nelder, Renne, Silver, Walker,  
Ward.

Approved Supervisors EMMA

Read Second Time and Finally Passed

Board of Supervisors, San Francisco

FEB 9 1981

Aves. Supervisors Britt, Dolson, Hongisto, Hutch,  
Kopp, Molinari, Nelder, Renne, Silver, Walker,  
Ward.

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

Clerk

Clerk

FEB 20 1981

420-80-2  
File No.  
FEB  
Approved

Mayor





sales price formula of Section 1385 and subsection (c) above. This payment shall be made within two years of the recordation of the Final Map.

(h) Funds collected pursuant to subsection (g) above, shall be deposited into the Housing Development Fund, which fund is to be used to provide assistance in the development of new housing resources for persons and households of low or moderate income.

#### SEC. 1386. Denial of Tentative Map

When the City Planning Commission determines that vacancies in the project have been increased, or elderly or permanently disabled tenants displaced or discriminated against in leasing units, or evictions have occurred for the purpose of preparing the building for conversion, or if rents in the project over the previous eighteen (18) months preceeding the date of filing the application have been increased substantially greater than any increase in the residential rent component of the "Bay Area Cost of Living Index, U.S. Dept. of Labor," (except for increases reasonably related to construction of code required capital improvements directly related to code enforcement, or to recoup the costs thereof), or when the City Planning Commission determines that the subdivider has knowingly submitted incorrect information (to mislead or misdirect efforts by agencies of the City and County of San Francisco in the administration of this Code), the Tentative Map shall be disapproved and the subdivider may not reapply for eighteen (18) months from the date of denial. In evaluation of the current vacancy level under this [sub]section, the increase in rental rates for each unit over the preceding five years and the average monthly vacancy rate for the project over the preceding three years shall be considered. In the evaluation of the displacement of elderly tenants any such displacements over the preceding three years, and the reasons

therefore, shall be considered.

#### SEC. 1396. Annual Limitation Conversion.

Applications for conversion shall not be accepted by the Department of Public Works during any calendar year when parcel maps and tentative maps for the conversion of 1000 ~~xxxxxx~~ units have been accepted for filing during that year, provided however, that the Department of Public Works shall receive applications, for the purpose of establishing a priority list for action during the next calendar year or for action after all previously accepted applications have been acted upon and less than 1000 units had been approved for conversion. The Board of Supervisors shall review this section within one year from the date of approval of this ordinance.

#### ARTICLE 10

##### CONSISTENCY WITH STATE LAW

#### Sec. 1398. Subdivision Map Act Provisions

#### SEC. 1398. Subdivision Map Act Provisions.

If any section, sub-section, sentence or provisions of this Code is ruled inconsistent with the provisions of the Subdivision Map Act of the State of California as a result of passage of any Senate or Assembly bills amending said Act, such said section, sub-section, sentence or provision shall be deemed to have been amended to comply with said Act, so as to bring the intent of this Code in conformity therewith. Notwithstanding the above, such said amendments or amendments shall not in any way invalidate or change any other portion or portions of this Code.

APPROVED AS TO FORM:

GEORGE AGOST, City Attorney

By:

*J. David May*  
Deputy City Attorney

23550:jd

BOARD OF SUPERVISORS



Passed for Second Reading  
Board of Supervisors, San Francisco

FEB 2 1981

Ayes: Supervisors Britt, Dolson, Hongisto, Hutch,  
Kopp, Molinari, Nelder, Renne, Silver, Walker,  
Ward.

Read Second Time and Finally Passed  
Board of Supervisors, San Francisco

FEB 9 1981

Ayes: Supervisors Britt, Dolson, Hongisto, Hutch,  
Kopp, ~~Molinari~~ Nelder, Renne, Silver, Walker,  
Ward.

Absent: Supervisor ~~MOLINARI~~

I hereby certify that the foregoing ordinance was  
finally passed by the Board of Supervisors of the  
City and County of San Francisco.

*Ch. Roman* Clerk

*Ch. Roman* Clerk

420-80-1

FEB 23 1981  
Approved

*Dianne Aronson*  
Mayor

